



Invitation to comment on measuring plurality across media

Invitation to comment

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Closing date for submissions: 18 November 2011

Introduction

- 1.1 Ofcom has been requested by the Secretary of State (Culture, Media and Sport) to provide advice on media plurality¹. The advice will be provided to the Secretary of State and the Leveson Inquiry.
- 1.2 The questions we have been asked are:
 - a. What are the options for measuring media plurality across platforms? What do you recommend is the best approach?
 - b. Is it practical or advisable to set absolute limits on news market share?
 - c. What could trigger a review of plurality in the absence of a merger, how might this be monitored and by whom?
 - d. Could or should a framework for measuring levels of plurality include websites and if so which ones?
 - e. Whether or how it should include the BBC?
- 1.3 Ofcom has started work to respond to this request and we would like to provide any interested parties with the opportunity to comment.
- 1.4 Ofcom is providing this advice independently of Government and our advice will therefore represent our views, taking into account our duties and the research and analysis described below.
- 1.5 We will provide our advice to the Leveson Inquiry by June 2012 and we will also publish it on our website.

Media plurality

- 1.6 Plurality regulation was put in place because “plurality is important for a healthy and informed democratic society”². The underlying principle is that it would be dangerous for any person to control too much of the media because of his or her ability to influence opinions and set the political agenda.
- 1.7 Currently, an assessment of plurality may be triggered by a “public interest” intervention in a merger between media enterprises. In addition:
 - 1.7.1 national cross media ownership rules are in place regulating the cross ownership of a Channel 3 licence and one or more national newspapers with an aggregate market share of more than 20%;
 - 1.7.2 restrictions on holding broadcast licences prevent or limit control of television and radio by certain owners whose influence might cause concern; and
 - 1.7.3 there are rules which require Channel 3’s news provider to be independent of the BBC, not under the control of political or religious bodies and suitably well funded.

¹ http://www.culture.gov.uk/news/news_stories/8431.aspx

² Lord McIntosh of Haringey (Parliamentary Under Secretary, DCMS) 2 July 2003, Hansard

- 1.8 Other rules affecting plurality in the media in the UK include provisions in the Broadcasting Code concerning both accuracy and impartiality. These act alongside media ownership rules by ensuring that television and radio news must be reported with due accuracy and also presented with due impartiality. In addition, the public service broadcasting framework acts to ensure certain levels of content provision, including news, by the BBC and other public service broadcasting providers.
- 1.9 We will take into account this regulatory context in providing our answers to the Secretary of State's questions.

Approach to our advice

- 1.10 We propose to respond to the Secretary of State's questions to us by undertaking work across 5 key areas:
- **Plurality and regulation:** We will be seeking to frame the current debate by describing what is meant by plurality, based on what Parliament and others have said. We will then look at how current regulation seeks to protect plurality and what the challenges are with the current system. We will consider what content types are within scope and whether we need to focus on genres outside news and current affairs.
 - **Market evolution:** We will be undertaking market analysis to understand how news is defined and supplied in the UK. We will be considering the value chain for news provision, including the points in the value chain where editorial influence can be exerted. We will also be seeking to understand the creation of news stories and how they are influenced by the culture of different organisations. We will look forward and consider scenarios of future market evolution.
 - **Audiences:** We will be undertaking new consumer research to ensure we understand how consumers use news content across a range of different media (television, radio, press and online) in order to form their opinions. This will include understanding the role of multisourcing and the use of alternative sources to inform opinions, as well as whether consumers base opinions on any one or more particular media platform.
 - **Policy research:** We will seek to understand whether there are any international case studies that we can learn from in terms of approaches to protecting plurality. We will consider related processes (such as mergers and market investigations) to understand what lessons we can learn from them in the application of any future regulatory framework to protect plurality.
 - **Policy options:** We will draw from this analysis to develop policy options and recommendations in order to respond to the Secretary of State's questions.
- 1.11 We take 'across media' to mean across television, radio, press and online. Our definition of 'online' incorporates internet usage regardless of device (PC, tablet, mobile).

Questions for comment

- 1.12 We invite any comments that stakeholders wish to make on issues relevant to the questions that we have been asked by the Secretary of State, set out at para 1.2 above.
- 1.13 As an indication, we would be particularly interested in hearing views on the types of issues identified below:

What are the options for measuring media plurality across platforms? What do you recommend is the best approach? Is it practical or advisable to set absolute limits on news market share?

- What are the potential metrics that could be useful to assess plurality (for example, in the past we have used reach, minutes, share of references, 'main source' of news³)?
- Is there a way to assess the relative importance of different media in shaping public opinion?
- News and current affairs have been established as key genres particularly critical for informing democracy. Should any other genres be considered, and what evidence is there of their capacity to influence public opinion?
- How might the market evolve in future and how might this affect options for measuring media plurality across platforms?
- At what point in the news value chain is there potential for the greatest level of editorial influence over content?
- Is it possible to define a set of characteristics of a market that could raise concerns about levels of plurality?
- To what extent do other laws (for example the competition law) or sectoral characteristics (such as multisourcing by consumers) act as safeguards for plurality?
- Are there any regions, areas or audiences (such as the devolved nations) which may require separate consideration, and why?"

What could trigger a review of plurality in the absence of a merger, how might this be monitored and by whom?

- The Secretary of State identified concentration arising from organic growth and market exit in his recent speech. What other potential triggers might there be?

Could or should a framework for measuring levels of plurality include websites and if so which ones? Whether or how it should include the BBC?

- How does the process of news gathering differ between:

³ We set out a range of metrics in our recent Public Interest Test. See Section 4 and Annex 1 of <http://stakeholders.ofcom.org.uk/binaries/consultations/public-interest-test-nov2010/statement/public-interest-test-report.pdf>

1. organisations (e.g. between the BBC, compared to commercial organisations);
 2. platforms (ie online, press ,TV or radio)?
- Do any of these differences warrant differential treatment by platforms or media organisation?

How to make submissions

1.14 Ofcom invites written submissions to be made **by 18 November 2011**. We are seeking responses that provide views, supported by evidence, on the specific questions detailed above, or on other considerations stakeholders consider relevant.

1.15 Please make representations via:

1.16 The online web form at <https://stakeholders.ofcom.org.uk/tell-us/invitation-to-comment-form>

1.17 By email - especially for larger submissions - particularly those with supporting charts, tables or other data – to MediaPlurality@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.

1.18 Responses may alternatively be posted or faxed to the address below, marked with 'Ofcom advice on measuring plurality across media'.

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1.19 We do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.

1.20 Ofcom strictly observes confidentiality in all aspects of its operations. This applies to material supplied in response to this invitation to comment. If your submission includes material which is confidential, we will require a full version with confidential information omitted, together with reasons why the submission should be treated as confidential.

1.21 We intend to publish non-confidential responses to this invitation to comment on our website.