



**Response to Ofcom's Consultation on Prominence and
accessibility on connected TV platforms - Draft code of
practice and draft guidance on the agreement objectives**

25 March 2026

NON CONFIDENTIAL VERSION

Prominence and Accessibility on Connected TV Platforms: Ofcom’s “Consultation on our draft Code of Practice and draft Guidance on the Agreement Objectives” (the “Consultation”)

Executive Summary

- STV is gravely concerned that as drafted, Ofcom’s Code of Practice will result in worse rather than better outcomes on prominence and discoverability for STV Player and STV Public Service Content on digital platforms.
- This is despite Ofcom noting in its s229 report to the Secretary of State of June 2022, recommending the renewal of Channel 3 and 5 licences, that:
 - *“Reforms to the PSB framework, in particular to the prominence and availability regime are crucial for audiences, and will strengthen the sustainability of the Channel 3 and 5 licences”*
- Ofcom’s proposed approach to leave regionalisation of Regulated Television Selection Services (“RTSS”) for Public Service Media (“PSM”) services and disaggregated content to the discretion of providers and platforms fundamentally undermines the basis of the Channel 3 network, comprised of geographically discrete regional licences.
- In making regionalisation discretionary, this also paves the way for fewer RTSS to be regionalised in future, meaning that even the existing prominent positions that STV Player has achieved on a number of platforms through considerable negotiation are in jeopardy.
- STV does not consider that this reflects either the intent or detail of the Media Act 2024, noting the view of the UK government, at the time of introduction of the Media Bill, that *“This reform is vital for PSB sustainability.”* (UK Parliament, 2023. Letter from Rt Hon Lucy Frazer KC MP to the Welsh Affairs Select Committee on the Introduction of the Media Bill, 8 November).
- STV is further concerned that whilst STV would be subject to the same requirements as other commercial PSBs to become a Designated Internet Programme Service (“DIPS”), the value for STV becoming a DIPS would be much less.
- Put simply, without regionalisation being a formal Ofcom Recommendation underpinning RTSS obligations as to how to comply with their obligations under the Media Act, STV loses prominence in Scotland in favour of ITV and other PSBs and the Channel 3 network cannot operate as intended under the Media Act.
- Ofcom has not fully considered the financial impact on STV.
- Ofcom has not presented any evidence that this detriment to and impact upon STV – which is compounded over time and the related impact on Scottish viewers has been properly assessed against the impact on RTSS, nor is there any transparency on the potential costs to RTSS to provide regionality noted in the Consultation.

- Failure to require regionality is also an extremely poor outcome for audiences. Viewers in STV licence areas would be exposed to prominent ITVX promotion of Channel 3 network content that they could only watch by accessing STV Player. This requires a convoluted user journey that would exacerbate accessibility challenges.
- STV urges Ofcom to reconsider including regionalisation as a critical Ofcom Recommendation to preserve the integrity of the Channel 3 network and at the absolute minimum ensure that services which are currently regionalised remain so. Without these interventions, STV will see no prominence, no promotion of our content and significant loss of value. This is not the outcome from the Media Act that parliament expects.

Introduction

STV welcomes the opportunity to respond to the Consultation, as part of Ofcom's continuing implementation of the Media Act 2024 (the "Media Act"), the most significant piece of legislation for the media sector in over 20 years which, among other things, was designed to deliver prominence for PSBs on digital platforms and devices, updating the previous broadcasting regime.

However, STV is deeply concerned by Ofcom's proposed approach to deliver this prominence which we believe is fundamentally flawed by not recognising the critical importance of regionalisation.

STV has achieved as much as we can by way of presence and digital transition, however we also rely on regulation to ensure parity of treatment with other, much larger operators.

STV is extremely dismayed to see that Ofcom's draft Code favours global platforms and device manufacturers by leaving regionalisation to their discretion, as well as handing undue prominence to ITV in STV's licence areas, where its streaming service is unable to deliver any public service programming. This discriminates against audiences in STV's licence areas – nearly 5m people - whose access to the most watched PSB programming including regional news and current affairs will become harder.

Prompted by the emergence of streaming and on-demand services offering audiences a plethora of choice and flexibility as to how and when they consume content, the UK broadcasting landscape is undergoing a rapid shift towards online viewing. Whereas linear broadcast commanded 64% of viewing in 2018, it is forecast to account for only 33% in 2030 (Source: Enders Analysis; ONS, BARB/AdvantEdge, Comscore; BASE, industry research).

STV recognises that it therefore needs to adapt and offer its audience the ability to engage with its channel and content in a manner and within an environment that suits their ever-evolving needs and habits, namely online and/or on-demand via STV Player.

In the Consultation, Ofcom provides the following statistics which reflect this changing audience behaviour:

"In the last 12 months, on average audiences spent less than two fifths (38%) of their in-home viewing time watching the PSBs (including both linear and broadcaster VoD services), as they increasingly explore a broader range of content online. (Barb as-viewed, individuals 4+, across TV sets and other Wifi connected devices in the home. 'The last 12 months' refers to December 2024 – November 2025)" (Consultation, para. 2.3).

"Audiences are increasingly watching content through connected TV platforms. Although most primary TV sets support both linear and online viewing, around 6.7 million UK households (25%) are no longer connected to a traditional broadcast network such as digital terrestrial television (DTT) or satellite, relying instead on internet-delivered TV. This shift is expected to accelerate, with online-only households forecast to reach around 70% of UK TV households by 2034. (Ofcom, 2025. Designation of Television Selection Services Consultation on our draft report to the Secretary of State, p.5 paragraph 2.5 (3 Reasons/MTM).)" (Consultation, para. 2.5)

STV considers it important to also acknowledge that the audience profiles for its traditional linear broadcast and IPS are noticeably different as follows (Source: Barb, Jan'26):

- STV: 59% female, 77% over 55yo and 39% ABC1
- STV Player: 61% female, 47% over 55yo and 48% ABC1

This rapidly evolving landscape brings with it acute financial pressures on PSBs, including STV, which in turn pose a threat to the very viability and sustainability of PSB, as described by Ofcom in its Transmission Critical Report as follows:

“Our recent Transmission Critical Report highlighted the significant challenges the PSBs face in connecting with audiences, given these changes in consumption. Under financial pressure with declining revenues and rising costs, including costs required to support both linear and online delivery of their content, PSBs are finding it increasingly challenging to fund and distribute high-quality content for all audiences.” (Ofcom, 2025. Transmission Critical the Future of PSM, p.5.)

The STV Player enables STV to reach an audience both incremental and different to its linear service, thereby providing increased exposure to its Public Service Broadcaster (PSB) content.

The Media Act seeks to support PSBs during this seismic transition to a digital environment and ensure that public service content is available, prominent and easily accessible on connected TV platforms. STV has already made significant investment in the evolution of its services in its aim to best serve its audiences, in the face of considerable challenges given our comparative size, available resources as well as our regional focus and reach. In our response we set out our grave concerns about Ofcom’s proposed recommendations in its draft Code of Practice (the “Code”) and Guidance on Agreement Objectives (the “Guidance”). STV’s reasonable expectation was that Ofcom’s implementation of the Media Act prominence provisions would support our efforts to secure prominence for STV Player, which has not been easy given our size. In fact, the reverse is true – leaving regionalisation to the discretion of operators will make it harder, rather than easier for STV Player, undermining the success and sustainability of STV in the years to come.

Ofcom’s approach to considering appropriate prominence

STV’s position is that Ofcom’s approach to considering what constitutes “appropriate prominence” and the related analytical framework is critically flawed, as a direct result of its proposal to expressly exclude regionalisation of the Regulated Television Selection Services (RTSS) as a key consideration in relation to compliance of an RTSS with the Code, and whether an RTSS can be considered to have acted in accordance with the Agreement Objectives.

Ofcom’s proposal to characterise prominence as discretionary has grave consequences for STV and the sustainability of STV as a PSB in its licensed areas which STV believes that Ofcom has not effectively assessed or considered in line with: i) the aims of the Media Act; ii) Ofcom’s remit in its implementation thereof; and iii) its own Transmission Critical report.

The overarching aim of the prominence regime introduced by the Media Act is to ensure that public service content is available, prominent and easily accessible on connected TV platforms, in order to encourage greater viewing and awareness of public service content.

Channel 3 (C3) Network of regional licences

Ofcom's draft Code will likely result in one non-regionalised version of ITVX representing the entire 15 regional licensees in the C3 network (including those held by STV) enjoying UK-wide prominence, and that this appropriately serves the different and diverse audiences in each of these licensed areas. STV strongly disagrees with such an outcome and the manner in which Ofcom has failed to recognise the importance of the structure and character of the C3 network (comprised of 15 separate regional licences) and the diverse requirements and nature of each licensed area. On the one hand – in order for the STV Player to be granted DIPS status, STV must reach a high bar to include and promote the regional news and PSB content most relevant to the audiences in its licensed areas. This requires significant financial investment and resource allocation by STV. Whilst on the other hand – there is zero requirement or incentive for RTSS to reflect this status by making STV's DIPS and/or PSB content prominent in those same licensed areas for those same viewers. This disproportionately places the burden squarely on STV as a smaller commercial PSB. Moreover, by Ofcom proposing that the second position should be available to ITV on non regionalised RTSS on a UK-wide basis, with STV at position six including in our licence areas, this is effective discrimination against the STV licences in the context of Channel 3.

As a result, STV does not consider that Ofcom's proposals reflect the correct interpretation of "appropriate prominence" or achieve the result that the 2nd Agreement Objective (that Must Offer Must Include ("MOMI") arrangements do not adversely affect a PSB's ability to fulfil its public service remit) can ever be satisfied.

App Menus

From the essential starting point of the journey for users, the App Menus, the Code proposes that the presentation of IPS and programmes on the RTSS does not differ for users in different parts of the United Kingdom. The provider should ensure that the DIPS apps are presented in the order set out below (though need not be presented contiguously) and appear within the highest nine positions in the app menu:

- i. The BBC DIPS;
- ii. The ITV DIPS;
- iii. The Channel 4 DIPS;
- iv. The Channel 5 DIPS;
- v. The S4C DIPS; and
- vi. The STV DIPS.

Whereas, in the event that an RTSS is regionalised and the user is outside of Wales, the proposed app order would be: BBC iPlayer, ITVX or STV Player, Channel 4 player and Channel 5 player. Users based in the ITV Channel 3 licence areas should be shown ITVX, and users based in the STV Channel 3 licence areas – the North of Scotland and Central Scotland – should be shown STV Player, and the apps must appear in the highest seven positions in the app menu.

Ofcom states: "*RTSS providers following the recommended actions would be free to decide whether to regionalise their app menus.*" (Consultation, para. 3.83).

Ofcom also notes that:

“...our assessment is that the app menu is central to content discovery and the visibility and position of apps is likely to have material impacts.” (Consultation, para. 3.102) and

“Our proposals would mean that DIPS apps are visible and positioned within a certain range of the top positions in an app menu. If this were not the case, DIPS apps may not be appropriately prominent, with implications for discoverability, ease of access and user engagement. We have exercised regulatory judgement in setting thresholds, aiming to ensure appropriate prominence of DIPS apps while retaining space for other IPS apps to appear. We have also adjusted thresholds to account for regionalisation, which effectively recognises that appropriate prominence may vary by region.” (Consultation, para. 3.100).

STV wholeheartedly agrees that lack of prominence of its DIPS in App Menus has implications for discoverability, ease of access and user engagement. The prominence of STV Player and therefore the presentation of the appropriate regionalised version of the Channel 3 service (including news and current affairs programming of particular interest to viewers) in Central and North Scotland is fundamentally impacted by the decision of the RTSS whether or not to regionalise their service, which, Ofcom proposes, is entirely at the discretion of each RTSS.

In addition, the impact of Ofcom’s proposal is further compounded by the fact that STV Player, in its own licensed areas, is not even guaranteed to appear in sixth position on non-regionalised RTSS and may find itself as an outlier, at position 9, separate from other PSBs and below global players with much greater financial capacity to be able to pay for those positions. Such a scenario would remain compliant under Ofcom’s proposed Code. As the DIPS in the final designated position, STV is most vulnerable to being separated from other PSBs, and over the fold which is unacceptable. STV, along with other PSBs is concerned that RTSS may seek to marginalise Public Service providers away from paid for commercial IPS creating a so-called PSB “ghetto”. In addition to this shared concern, STV must also not be subject to unfair treatment as regard grouping with other PSBs and must appear alongside the others.

It is inconceivable to STV that, as viewers continue to migrate at pace to IP and CTV platforms, the intent of the Media Act was to enable a regulatory backdrop which may result in STV Player being in 9th position on the majority of RTSS in Scotland. Furthermore, since RTSS are free to enable users to re-order apps within the menu, in the case where STV is initially in 9th position, users are very likely to remove/place it even further down after the initial setup of their CTV, considering it the least important of the PSBs. This is fundamentally at odds with the messaging from the government and Ofcom that the Media Act is there to support PSBs in their transition to CTV consumption (and importantly not put them in a worse position than they are today) and continue to try to counteract the very real threat to the survival of commercial PSBs as presented in Ofcom’s Transmission Critical Report.

Primary Content Areas and Search

The lack of recommendation from Ofcom to regionalise RTSS also has a profound impact on the discoverability and accessibility of STV content in primary content areas and via search functionality.

As noted in the Consultation, the prominence of a PSB’s content in disaggregated content areas is key to ensuring audience awareness of and engagement with the PSB and the relevant PSB’s content. The proposal that the prominence of STV’s content in disaggregated areas will follow that

set out in respect of the app menus on non-regionalised RTSS is equally as concerning. This is particularly so given the rise in availability of such areas on the UI of RTSS and changing user behaviour, making regionalisation in disaggregated content areas even more crucial.

Ofcom states:

“RTSS providers may give a different degree of prominence to the public service content in each DIPS, in which case they should have regard to the order of DIPS set out in the app menus recommendation.” (Consultation, para. 3.115, in reference to Actions A2.3 and A2.4); and

“Where a provider does give a different degree of prominence to each DIPS, it should have regard to the order of DIPS apps set out in the proposed app menu recommendation (taking into account regionalisation where relevant), where the DIPS listed first is given the most prominence and that listed last is given the least.” (Consultation, para. 3.120); and

“While promotional areas account for a smaller share of direct user engagement (e.g. clicks) than disaggregated content areas, we consider that promotional areas can have broader benefits, such as influencing user awareness of public service content. (Consultation, para. 3.122).

If Ofcom’s proposals are enacted, this means that in STV’s licensed areas, in terms of disaggregated content and promotional areas, STV programming may be the least prominent PSB content. This marks a huge departure from the prominence afforded to STV in a linear environment and the viewer experience today, which is wholly unacceptable to STV and carries an entirely disproportionate impact.

Scottish viewers and the surfacing of STV content will also suffer from the lack of regionalisation of RTSS as the proposal from Ofcom enables RTSS to again rank STV content at the end of the list.

Ofcom states: *“The prominence given to public service content under actions A3.2 and A3.3 should be of the degree recommended in terms of the number of programmes in search results, their position, the manner in which they are presented, and any other factor which is relevant to giving prominence.”* (Consultation, para. 3.150, in reference to Action A3.5)

To put that in context, this would mean that on non-regionalised RTSS, programmes including Public Service Remit content from STV would have less promotion in our licence areas than every other commercial PSB, even though STV’s linear share of peak-time viewing is nearly 3 times that of Channel 4 and over 4 times that of Channel 5 (Source: Barb, Jan – Dec 2025, (18:00-22:30), Individuals, Scotland). Unlike STV, neither Channel 4 nor Channel 5 produces any dedicated Scottish PSB content.

Brand Awareness

Brand awareness and attribution is essential to the survival of STV in today’s challenging environment. The failure to ensure that STV Player and its content are prominent in its licensed areas will have an immediate negative impact on awareness of PSB C3 content relevant to Scottish audiences, which is likely to quickly compound as more viewing continues to shift online year on year.

This erosion of awareness of the STV brand will impact the ability of STV’s DIPS to compete effectively against other IPS, PSB or otherwise, global or within the UK for both reach and ad-revenue which funds STV’s ability to meet its PSB obligations.

STV has made and continues to make significant effort to evolve and invest in its services and serve its audience in the way they expect, and STV expects the implementation of the Media Act to support its efforts rather than undermine them.

STV's position is in fact supported by Ofcom in the following statements in the Consultation:

*"We consider that an appropriate degree of prominence is one that:...c) supports user discovery and access to relevant public service content, **including content intended to serve audiences in the user's location.**"* (Consultation, para. 3.20, emphasis added); and

*"Our assessment considers the extent to which the recommendations may **affect awareness of different streaming services and their content, which in turn may affect viewing and revenue.**"* (Consultation, para. 3.22 c) ii), emphasis added).

Ofcom goes on to state that following its assessment, it sets out its *"provisional conclusions on whether the impact of a potential recommendation would be **proportionate, taking into account its effectiveness and the benefits to audiences of securing appropriate prominence.**"* (Consultation, para. 3.22 d), emphasis added).

Commercially negotiated Regionalisation

STV urges Ofcom to stand behind its acknowledgement that:

"Smaller content providers tend to have mixed outcomes. Their prominence on platforms is generally more limited with less promotional support and less valuable app placements." (Ofcom, 2024. The connected TV platform market, p.19.); and

"In terms of app visibility, the proposed actions may result in greater visibility for some DIPS, potentially encouraging greater viewing. This effect is expected to be more pronounced for PSB IPS that currently occupy less prominent positions on some TSS, notably STV Player and S4C Clic. BBC iPlayer and ITVX are less likely to benefit, as they already tend to secure immediately visible placements, though the recommendation would help to ensure they continue to do so in future." (Consultation, para. 3.92).

Costs and Technical Feasibility

STV refers to Ofcom's statement relating to the role of costs in determining proportionality:

*"The impacts on providers of implementing our recommended actions will depend on context. For example, costs for an RTSS provider may vary substantially depending on the UI design, the underlying systems and processes, and the current levels of prominence being afforded to PSB IPS and public service content. **Assessing the relevant cost drivers qualitatively allows us to reach provisional conclusions on proportionality.**"* (Consultation, para. 3.27 b), emphasis added).

Ofcom states that *"Although some TSS are already regionalised, the majority are not. We understand that the total costs of implementing regionalisation could run into in the hundreds of thousands of pounds, though the costs incurred by different TSS may vary."* (Consultation, para. 3.90).

Later in the Consultation Ofcom states “*We received estimates of the costs incurred by TSS providers to implement certain features, including a hero banner, a ‘continue watching’ row, and regionalisation of the UI. While these vary, changes were generally reported to cost in the low hundreds of thousands of pounds (See chapters 3 and 4 for specific examples in our analysis of impacts on providers). We have considered this information in developing our proposals, particularly in deciding not to propose a recommendation for regionalisation.*” (Consultation, Annex 4, A4.31).

From these statements, it is clear that Ofcom has focussed solely on the costs potentially incurred by RTSS. Many TSS have implemented hero banners and continue-watching rows at their own costs as they enhance the user experience. Regionalisation is another feature that provides audiences the best user experience, but has been seen purely as a cost rather than a benefit. STV is of the opinion that Ofcom has not carried out a proper assessment of the proportionality of one-off costs potentially incurred by RTSS versus the far greater cost to STV of lost advertising revenue and reduced brand recognition, which would compound over future years. This inevitable downside should also be overlaid with the costs STV must incur to observe the Agreement Objectives and provide the requisite metadata, for example. It is important also to not lose sight of the cost and societal impact of the inevitable reduction in exposure of Scottish viewers to PSB content. STV is aware that regionalisation is being mandated in other parts of the world – e.g. Flanders in Belgium and that this experience could help reduce costs of implementation in the UK’s case.

In terms of **technical feasibility**, Ofcom states:

“RTSS providers following the recommended actions would be free to decide whether to regionalise their app menus. We have included separate actions for those RTSS that have regionalised app menus and those that do not. Regionalisation should therefore not present a technical barrier to implementation.” (Consultation, para. 3.83).

It is clear that several TSS have for many years successfully effected regionalisation in the context of both app placement and disaggregated content areas, and this is proof that readily available solutions exist, not least via simple postcode entries. Evidence of successful and sustainable regionalisation implementation solutions over more than a decade includes Youview (2012), Freesat (2016), Freeview Play (2016), VMO2 (2018), Sky Q (2019), Sky Glass/Stream (2022) and Freely (2024).

STV believes that all RTSS already have the required dataset to determine a user’s location, as most if not all require an account creation at device setup, and/or use other first party collection and sometimes data matching to identify and locate their audience. As such, the basic dataset, namely postcode, is already available to them with no additional user-interactions or technical integration.

It is also not uncommon for multiple content providers to share the same content, as is the case for Channel 3 and across PSBs and other VOD services. In that context, it is also common practice for search results to list all providers of such content and for the audience to self-select their preferred IPS. There is no cost in doing so, although Ofcom appears not to have considered this in relation to non-regionalised RTSS. STV has previously proposed to certain non-regionalised TSS that their search results surface both Channel 3 providers, making the route to consumption clear for the user in their licence region. Even this, a pragmatic, audience-friendly and no-cost implementation has so far been declined by some RTSS.

A further example that Ofcom's consideration of regionalisation is flawed is STV's experience that many platforms already support localised targeting. STV has successfully acquired paid-for marketing campaigns, on-device for PSB content within the STV regions. This functionality is evidence that these platforms already all support regionalisation of the disaggregated content area, therefore the argument that there is a substantial lift or cost to implement the technology simply does not hold true.

STV would be glad to offer assistance to organise and lead cross-party working groups to support the identification of cost-effective, audience-friendly solutions to this fundamental issue.

In summary, it is STV's informed opinion that regionalisation is not the complex, costly exercise that certain TSS profess it to be, particularly having regard to the substantial development resources available to many of these operators. This is in contrast to the size and scale of STV. A lack of regionalisation and its continued enforcement would have a significant impact on STV's ability to reach and engage its licence regions' audience. Regionalisation is a necessary and reasonable investment to guarantee the sustainability of STV and of the Channel 3 network.

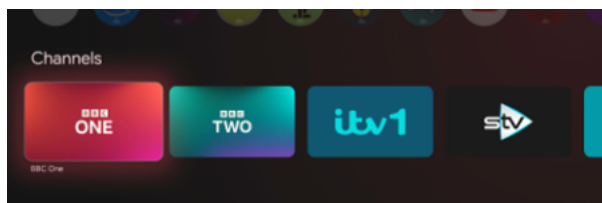
Impact of non-regionalised RTSS on Scottish audiences

Notably absent from Ofcom's assessment is the acknowledgement that, whether or not a RTSS is regionalised, STV and ITV must both observe the limitations of their ability to exploit C3 network programming within their DIPS, namely that each has the exclusive right to distribute such network programming in their respective licensed areas. The result of this is that, where a user in one of STV's licensed areas attempts to view such a programme in an ITVX environment (by following an ITVX tile in a primary content area, search result or by trying to access such a programme in ITVX), the user will not be able to view the programme and will encounter several additional points of failure and friction before being redirected (or having to find out for themselves) to the STV Player.

Below are some examples of poor user experience.

Example 1: GoogleTV – non-regionalised RTSS

- Current channels section lists ITV1 and STV side by side, when both are only regionally accessible and relevant:



- Ofcom's proposal would push STV even further out, in 7th position instead of 4th.

Example 2: Samsung TV – non-regionalised RTSS

- Promoted C3 network content is labelled ITVX but clicking on the tiles leads to a blank screen as the content is not available to viewers in STV's licensed regions.



Example 3- Amazon fire TV – non-regionalised RTSS

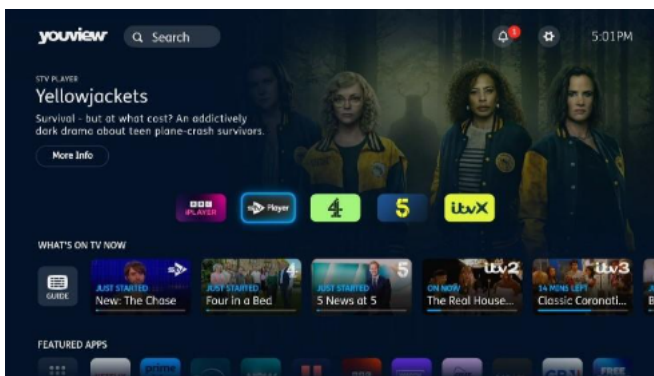
- STV is completely missing from the “Public Service Broadcasters” within the ‘live’ section of the service.
- ITV1 is listed across the UK, resulting in an in-app dead end for users in the STV licensed regions.



Example 4 – Youview - fully regionalised RTSS

On the other hand, Youview, being a regionalised service, provides since its launch a good user experience as expected by the audience:

- STV Player is prominent alongside its PSB peers, with correct attribution
- Viewers can start relevant Channel 3 content in a single click



Users subjected to a poor user experience such as those described in Examples 1, 2 and 3 above are exposed to multiple points of failure and confusion. For example, a typical journey on a non-regionalised RTSS promoting C3 network with ITVX branding and deeplinking in the STV regions may be:

1. End-user selects a C3 network PSB programme within a disaggregated content section;

2. The deeplink opens the ITVX app;
3. Users input their personal details in order to set up an account with ITV;
4. They are then either denied content playback, or ITVX's in-app content filtering may withdraw the asset entirely, making it impossible to select the programme for playback.

The user then still needs to somehow identify that that programme is available via the STV Player, meaning:

5. exiting the ITVX app,
6. finding the STV Player,
7. inputting their personal details in order to set up an account with STV,
8. and finally start watching.

This experience is unthinkable as an acceptable user experience today and completely contrary to the Media Act principle of facilitating PSB connection with their audience. Rather than regionalisation not being a priority of RTSS within the Code, it should instead be seen as a necessary innovation to support the discoverability and consumption of PSB content. Furthermore, this fractured user journey frustrates users who will look to blame STV for this failure, eroding confidence and trust in the STV brand and dissuading viewers from engaging with STV in future.

In support of STV's contention that a positive user experience is critical, Ofcom also recognises the importance of ease of user journey and states:

"Users should be able to easily access and watch any public service content presented in the primary content areas, for example by clicking on the relevant content tile. If there are tiles on content rows that show public service content, but limitations in technical functionality prevent the user from clicking on the tile and accessing the programme, this would be inconsistent with the recommendation." (Consultation, para. 3.121); and

"Users should be able easily to access public service content from the search results in which that content is presented." (Consultation, para. 3.150, in reference to Action A3.6).

User choice

We note that the draft Code allows for RTSS to include the option for a user to rearrange the apps in the app menu in a way that ceases to meet the outcomes set out in recommended actions if that is their preference. STV suggests that in order to preserve the principle that payment should not be made for prominence, no IPS should be able to pay to retain a position and the RTSS should not be permitted to influence user choice in this regard or favour its own services by, for example, anchoring them in a fixed position.

STV's clear position is that its listed channel should be at position 3 in its licensed areas, and that users should not have the ability to move STV from this position.

Attribution

The Consultation recognises that PSBs rely on TSS providers to include their logo or name alongside content in disaggregated content areas and promotional areas of the UI and in search results and that correct attribution matters as it *"provides transparency and clarity about the*

source of content. This in turn supports user awareness and understanding, potentially influencing viewing decisions.... Evidence supports this view.” (Consultation, paras. 3.229 to 3.230). In addition, Ofcom notes that *“some participants in our audience research found that branding helped them to recognise PSB content in disaggregated row (2CV, 2026. Exploring audience journeys on connected TV devices, p. 50.)”* (Consultation, para. 3.230).

Importantly, Ofcom recognises in paragraph 3.231 of the Consultation that some audiences, particularly older viewers, can find TSS UIs complex and therefore clear attribution can help these audiences locate public service content more easily.

We loudly echo Ofcom’s opinion that *“weak attribution risks undermining brand awareness, ultimately making it more difficult for PSBs to fulfil their remits. We therefore consider that securing appropriate prominence of public service content should involve clearly displaying the DIPS in which it is included.”* (Consultation, para. 3.231).

STV has serious concerns about leaving it to the discretion of non-regionalised RTSS to correctly attribute STV content where that content is also available on ITVX (outside of STV’s licensed areas). Although Ofcom makes the suggestion to attribute both ITV and STV to the content, this language does not appear in the Code.

Listed Channels

Ofcom states that *“In broad terms, we propose that the listed channels should be presented in the order set out in the EPG Code, with some adjustments for S4C and STV. The EPG Code aims to ensure that the relevant PSB channels are easy for audiences to discover, by setting specific channel positions or thresholds within which channels should appear. The same applies in this case. We therefore consider it appropriate for our recommended actions largely to mirror the EPG Code.”* (Consultation, para. 3.192)

Ofcom proposes that on non-regionalised RTSS, the top seven positions in each live TV area would be occupied by the main PSB channels in this order: BBC One, BBC Two, ITV, Channel 4, Channel 5, S4C and STV and on regionalised RTSS, the third position should be occupied by whichever Channel 3 service – ITV or STV – serves the area of the United Kingdom in which the user is located.

Concerningly, the Consultation reinforces Ofcom’s position that regionalisation is entirely at the discretion of the RTSS: *“Consistent with our approach to other recommendations in the draft Code, whether or not RTSS providers choose to implement regionalised services remains their choice. Where RTSS are regionalised, we propose that the order of the listed channels reflects the location of the user.”* (Consultation, para. 3.185).

Ofcom states: *“We provisionally conclude that our proposals for listed channels would be effective in securing appropriate prominence and the likely impacts would be proportionate. Listed channels benefit audiences. Our proposals would mean these channels are easy to find and discover. Similarly to the EPG Code, our proposed approach would safeguard these benefits by assigning high positions to the main PSB channels (accounting for regionalisation where relevant), and minimum position thresholds for other listed channels. DIPS providers may benefit from somewhat higher viewing, with a potential negative impact on other channels if moved to lower positions.”* (Consultation, paras. 3.219 to 3.220).

Again, Ofcom has disregarded the structure of the Channel 3 network, a series of regional licensees who each have exclusive use of shared, network programmes in their licence area. This means that where ITV appears on a non-regionalised RTSS linear channel guide in STV's licence areas, it will not have the rights to show Channel 3 content. On the same basis, STV does not have requisite rights to show Channel 3 programmes outside its licence areas of Central and North Scotland. A non-regionalised regime simply does not work for Channel 3 as an inherently regionalised network.

STV strongly disagrees that this proposal "*largely mirrors*" the EPG Code. Rather, it runs completely contrary to the aims and effect of the EPG Code and long held prominence and sovereignty afforded to STV in respect of position 3 in its licensed areas. The prospect of STV's Channel 3 being at position 7 on RTSS in STV's licensed area is frankly untenable and completely undermines the EPG Code rather than reflect the same principles in a digital environment. STV firmly rebuts the contention that the likely impact on STV would be proportionate or secure appropriate prominence for STV.

In 2025, 15% of STV's linear viewing happened via IP-only delivery (source: STV/BARB), including through listed channels via DIPS. That proportion is set to grow to 30% by 2030 (Source: 3Reasons) for all UK broadcasters and will be compounded by possible future DTT switch-off, as noted by Ofcom's own research: "*online-only households forecast to reach around 70% of UK TV households by 2034 (Ofcom, 2025. Designation of Television Selection Services Consultation on our draft report to the Secretary of State, p.5 paragraph 2.5 (3 Reasons/MTM).)*" (Consultation, para. 2.5).

As the audience rapidly transitions to RTSS, regionalised or not, it is paramount that they benefit from a consistent experience through upgrades and device transitions. Inconsistencies between the regulated Electronic Programme Guide and channel listings for RTSS will inevitably lead to audience confusion and service abandonment. It will also make it impossible for STV to communicate where to access its linear service if it has multiple and fluctuating channel placements across RTSS.

Accessibility

A key aim of the Media Act is to address the challenges people may face when trying to navigate UIs of connected TV platforms.

Ofcom notes that some people including those who are "*older, disabled (in particular those with sight loss) and/or with lower digital literacy*" (Consultation, para. 2.17) rely on familiar features such as simple, accessible EPGs and they may find it difficult to navigate more complex, image-led interfaces.

Ofcom further states that:

"Our research shows that many older users find these newer layouts confusing and are often unsure about how to move around the UI to reach the content they want (DTG, 2025. Usability project: Identifying challenges and solutions for improving inclusivity and usability in the consumption of internet-delivered television, p.12)." (Consultation, para. 2.18).

"Other research we commissioned demonstrated how some users, especially those with sight loss, depended on memorising channel numbers to navigate linear TV. Many had continued using

this strategy to navigate smart devices, for example, memorising the order of services in the app rail. Where there were then changes to the UI, this could cause confusion. (2CV, 2026. Exploring audience journeys on connected TV devices, p.53, 54, 56.)” (Consultation, para. 2.19).

STV agrees with the concerns raised by Ofcom above and urges the regulator to consider the negative impact on such individuals in STV’s licensed areas who may no longer be able to rely on looking to position 3 to find STV in a list of live channels on RTSS and may be faced with the highly frustrating and complex user journey to source C3 network content available via STV Player on non-regionalised RTSS. The experience and user journeys detailed above cannot be considered an acceptable user experience or a proportionate consequence of RTSS simple choice and fundamentally undermine the key goals deriving from the Media Act of discoverability, ease of access and user engagement.

Agreement Objectives

The Communications Act 2003 (as amended by the Media Act) provides that DIPS and RTSS providers, when entering into arrangements pursuant to their MOMI obligations, must act consistently with the Agreement Objectives.

These Agreement Objectives are that:

- i) a DIPS, as well as public service remit content and any listed channels on that DIPS, is given an appropriate degree of prominence within an RTSS (the “Prominence Objective”);
- ii) MOMI arrangements do not adversely affect a PSB’s ability to fulfil its public service remit (the “PSR Objective”); and
- iii) MOMI arrangements do not disproportionately restrict how RTSS providers may make innovations in the ways that users may select and access IPS or programmes on the RTSS (the “Innovation Objective”).

RTSS providers are subject to the following additional obligations:

a) **Appropriate prominence:** RTSS providers are required to give an appropriate degree of prominence to each DIPS included on their RTSS. This includes appropriate prominence for Public Service Remit (“PSR”) content and any listed channels included in each DIPS.

b) **Accessibility:** RTSS providers are also required to ensure that as far as possible users with disabilities are able to use the RTSS for the same purposes as other users, and that they are informed about and able to make use of content with access services available in relation to the IPS on the platform.

As we have set out above, STV does not agree that the principles that Ofcom has applied in formulating the Code and actions recommended by Ofcom based on those principles are consistent with the Agreement Objectives in a very material sense, as a result of its proposal that regionalisation of RTSS is at the absolute discretion of RTSS.

In relation to the Prominence Objective, STV does not consider that Ofcom’s approach will result in STV’s DIPS, content and listed channel being given an appropriate degree of prominence.

In relation to the PSR Objective, STV considers that Ofcom’s proposed Code and Guidance are likely to result in MOMI arrangements adversely affecting STV’s ability to fulfil its public service remit.

In relation to the Innovation Objective, STV does not consider that regionalisation disproportionately restricts how RTSS providers may make innovations in the ways that users may select and access IPS programmes on the RTSS and indeed, the converse is true, it should be a natural innovation to improve the user experience of consumers across the Channel 3 Network.

Payment

The Guidance provides that Ofcom considers that it would generally be inconsistent with the Agreement Objectives for either the DIPS provider or the RTSS provider to require payment from the other in respect of the following terms in MOMI arrangements:

- a) terms that are reasonably necessary for the inclusion of DIPS in RTSS; and
- b) terms that are reasonably necessary for the DIPS, as well as for PSR content and any listed channels included in that DIPS, to receive appropriate prominence as defined in Ofcom's Code. (Guidance, para. 2.10).

These are categorised as “**core terms**” in the Guidance.

Ofcom set outs relevant factors for the purposes of identifying these terms which include:

- i) audience needs and expectations about accessing the DIPS, its PSR content and any listed channels;
- ii) audience needs and expectations of the RTSS;
- iii) relevant industry practice by other providers (whether designated or otherwise); and
- iv) technical feasibility. (Guidance, para. 2.12 b)).

STV is of the firm opinion that regionalisation of RTSS meets all these tests and that it should be a core term. STV's audience expects to be able to easily locate and access STV's content and services, with particular regard to those of STV's audience facing accessibility challenges. As Ofcom points out in the Consultation, audiences want and expect RTSS to provide a user-friendly navigation experience. We have set out in earlier paragraphs that over the past decade certain RTSS have already more than successfully regionalised their TSS. Finally, as demonstrated above, most RTSS already have a means by which to locate their users without additional significant investment and certain RTSS have already engineered solutions.

Ofcom proposes in paragraph 2.21 of the draft Guidance that terms about the provision of audience data are generally additional terms and therefore subject to payment. STV is concerned that this disproportionately impacts the ability of STV to learn more about interaction with its content in primary content areas and disaggregated spaces such as number of views, viewer preference, and the success of individual titles which all inform decisions as to how to improve the PSB services and achieve its remit. DIPS must also have a way to measure the prominence afforded to them in accordance with the Code and contractual commitments by way of transparent reporting. These types of simple reporting should not be seen as optional extras.

Timing

Ofcom's proposed implementation timeline seems disproportionately long, particularly given STV's experience is that RTSS can quickly make changes when implementing regionalisation for paid-for marketing prominence purposes. Ofcom suggests a 12-month timeline after final guidance is issued later this year, meaning that the new regime will not become effective until 2027 or 2028, almost four years after the Media Act was first passed. The delay compounds the challenges faced by PSBs and in our experience, is stalling RTSS from coming to the table to have key discussions.

Conclusion

Regionalisation must be considered a core term and included within Ofcom's recommendations as to how RTSS may comply with their obligations under the Media Act for the following fundamental reasons:

- It is crucial for the successful operation of the Channel 3 network, a series of regional licences sharing network programmes on an exclusive basis alongside dedicated regional programmes including news and current affairs.
- It ensures frictionless access to all Scottish audiences to the regionalised, relevant C3 PSB content they expect and deserve.
- It preserves and promotes the awareness of STV as a brand and public service media provider in its licensed areas.
- It incentivises RTSS to develop their services to ensure that consumers in Scotland are not at a material disadvantage to others in the UK from a user experience point of view when seeking to access their regional C3 service.
- It supports the delivery of the overarching aim of the Media Act to support PSBs and audiences in the transition to digital discovery, consumption and exploitation.
- It preserves and supports STV's ability to ensure its STV Player remains competitive in an increasingly challenging market and for STV to remain a sustainable and viable PSB in the future.

STV strongly urges Ofcom to carefully consider the issues and challenges raised in our response and welcomes further discussions in which any additional useful context and experience may be shared.

Ends.