

ODPS consultation
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On-demand programme services consultation

I write on behalf of the commercial radio industry to highlight a number of concerns around proposals within the on-demand programme services (ODPS) notification guidance consultation which was published on 31st March.

While this consultation is broadly aimed at on-demand programme service providers, there is considerable uncertainty amongst radio broadcasters about the potential implications of the removal of the hitherto 'TV like' requirement from Ofcom's classification. As noted in the consultation document, *"Previously, a service could only be an ODPS if the programmes it included were comparable to the form and content of programmes normally included in television programme services. The removal of this requirement is likely to mean that a wider range of services will now fall to be notified."*

It is unclear in future whether some radio broadcasters might fall within the criteria and therefore need to register as an ODPS, which would have a number of detrimental implications for their business models. For example, current affairs programming on notified ODPS registered services cannot be sponsored, whereas radio services are free to do so. Similarly, sponsor references cannot be freely integrated into content on an ODPS service, which is the case for radio. Finally, we understand that there may be some restrictions on brand cross-promotion on ODPS, which would limit the important benefits of this form of advertising to radio broadcasters. Should these measures apply in this way they could limit the ability of radio companies to fund this valuable content.

While the draft guidance provides an explicit exemption for online newspapers where videos are embedded within the journalistic or editorial content of the service (para 3.6), the position of radio broadcasters does not appear to be addressed. This is despite radio's role in providing a crucial news and information service for a broad range of audiences. Therefore specific clarification on this matter for radio broadcasters would be extremely helpful.

Please do let me and my team know if you would like to discuss this issue in more detail.

With best wishes,



Siobhan Kenny
Chief Executive
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