

Ofcom Review of Broadcasting regulation

Introduction

This personal submission is largely based on lessons learned from Ofcom consultations on amendments to the BBC's operating licence for local radio and STV regional news in the latter half of 2025, the reading of adjudications in possible licence breaches by commercial and community radio stations and reaction to the coverage of an appearance of Ofcom's group director of broadcast and media Cristina Nicolotti Squires before the Scottish Parliament's Culture Committee in Edinburgh in January 2026 and other documents published by Ofcom since the Review began.

1. Consistency of standards and policing

Most significantly, the Radio Foyle and local radio scrutiny, Ofcom's annual report on the performance of the BBC, published on November 28, 2025, suggest that the same rigorous and high standards that are required of commercial and community radio should be applied equally to the BBC (especially with regard to local radio) and to regional news and current affairs on Channel 3.

Ofcom's stance on these have led to informal, anecdotal observations by individuals with professional media and broadcasting experience – as well as viewers and listeners – that Ofcom neither understands nor appreciates regional broadcasting and local radio, a change that seems to have occurred with the abolition of the Independent Broadcasting Authority at the end of 1990.

2. Being out of touch

Perhaps unfortunately for Ofcom's credibility, evidence to support the allegation of being "out of touch" came after Scotland's Channel 3 public service broadcaster STV applied for the licence change to allow it to almost eliminate its news operation in Aberdeen (for the former Grampian Television franchise region) with the loss of 60 jobs and implicit local knowledge, and replace it with output from Glasgow.

Christina Nicolotti Squires' suggestion to the Scottish Parliament Culture Committee that audiences "have never had it so good" while discussing the cuts reinforced the view that Ofcom is "out of touch". Further outrage was provoked by a suggestion that the changes were the "best thing for audiences across Scotland" and for the sustainability of STV's licence.

According to *The Nation*, an attempt by Ofcom's regulatory affairs manager Stefan Webster to calm the reaction – by saying "that they wouldn't 'second guess' STV's financial position despite records showing both STV and STV North as being profitable organisations" – did not succeed.

After the hearing, Aberdeen Donside MSP Jackie Dunbar – whose views should not be ignored – criticised Ofcom and STV.

The Nation's coverage included her comment that: "I very much doubt that my constituents, and STV staff threatened with redundancy, would agree with Ofcom's description that they 'have never had it so good'. Communities across the north of Scotland have a long-held affection for STV News, as they had for Grampian before it, because of its regional-focus which they don't get from other broadcasters."

She added, according to *The Nation*: "At a time when trusted local news sources are more important than ever, STV is set to abandon one of its success stories, and it looks like Ofcom is set to rubber stamp the proposed cuts. Ofcom should be acting as a regulator by ensuring that broadcasters fulfil their obligations rather than sitting on their hands and letting profitable organisations make cuts."

The National Union of Journalists also criticised the changes, calling them "bad for viewers" and "bad for journalism" in northern Scotland.

At the Culture Committee hearing, Conservative MSP Jamie Halcro Johnston quoted Ofcom's letter that said: "In our view, STV's proposal will ensure that audiences continue to be served with high-quality regional news provision on a sustainable basis for STV." Reactions to coverage of the hearing suggest that the STV audience and the company's workforce regard this as unrealistic to the point of being unachievable, a response that further undermines the credibility of Ofcom, its regulation and consultation procedures.

The NUJ added: "If Ofcom wants to join with STV in defending the proposals, which are opposed by STV's own journalists, opposed by leaders of the five main political parties in Scotland, opposed by 83 per cent of viewers, and opposed by business leaders, then I think viewers have a right to question whether this supposedly independent regulator is really acting to protect the public interest."

In light of Ofcom's relationship with the BBC over its decisions regarding Radio Foyle early in 2025 and local radio later that year, the regulator's approach to STV's request is in no way "astonishing". It was, unfortunately, far too predictable.

3. Methodology

Ofcom's consultation process is methodologically flawed. Consulting *after* a preliminary recommendation has been reached ensures that these are based on incomplete information and must, therefore, be unfit for purpose. In plainer language, Ofcom currently puts the carts before the proverbial horses.

More accountable and transparent – in line with Ofcom's own internal ethics – would be to extend the process so a first, properly publicised, appeal for input is carried out before any recommendation is reached. A consultation on those recommendations would only then be carried out, involving further publicity *and* those who contributed.

Ofcom's current approach can be seen as myopically favouring the industry rather than fulfilling its responsibility of acting in the interest of all UK residents over the short, medium and long-term.

Finally, to maintain accountability and transparency, Ofcom should publish each decision accompanied by an account of its reasoning (while respecting necessary confidentiality).

Similarly, only requesting input in the form of answering particular questions – some might say deliberately – denies input from individuals with relevant experience and expertise which may not otherwise be available. Encouraging broader input would improve both the process and the outcomes.

Revising the process would also avoid long-term problems caused when consultation seeks to elicit what an organisation "wants to hear" rather than what it actually needs to hear, however challenging or uncomfortable contributions may be.

Any organisation with public accountability and transparency standards and policies should ensure that it is very evidently seen to be upholding these and, for a regulator, to lead by example.

Ofcom's consultation on changes to the BBC's operating licence in October 2025 has incurred at least one serious complaint. This alone should be cause for review especially as, in public affairs, there is metaphorically rarely smoke without fire as, in such circumstances, smoke can often also cause greater damage than flames, both in amount and the seriousness.

4. Accountability

Ofcom appears still to have to address reservations expressed in responses to its consultation on changes to the BBC Operating Licence during autumn 2025.

One said that public concerns were raised in early 2023 when the BBC introduced significant changes to local radio before they asked Ofcom to amend the licence and before any consultation had taken place.

The response also noted that although the BBC originally applied to Ofcom to change the Licence in February 2025, a Sunday All-England show was introduced in October 2025, *before* Ofcom opened a consultation on the requested changes and before permission was given. By January 27, 2026, no censure had been forthcoming.

Respondents also noted that, earlier in 2025, Ofcom concluded that the BBC had breached its Licence by introducing changes to Radio Foyle before any request had been approved. At that time, Ofcom said “We are disappointed the BBC breached its ... licence conditions. Going forward, when planning changes which may impact its compliance with the operating licence, the BBC must follow the correct procedures, by submitting a request to amend the operating licence prior to implementing the changes.”

The Radio Centre response highlighted this while another respondent said: “that Ofcom appears to have ignored its own, relatively recent, instruction seems incomprehensible.”

The Radio Centre also said: “This kind of retrospective approval risks undermining the credibility of the BBC’s regulatory framework. It suggests that the BBC regards its operating licence conditions as flexible administrative hurdles rather than robust obligations underpinning its public service remit and uniquely privileged funding arrangements.” Responsibility for this must lie with the regulator.

5. Consultation ‘circumspection’

When Ofcom took over BBC regulation from the BBC Trust in 2017, it relaxed several licence conditions, including the definition of shared programming on local radio. The first Ofcom operating licence consequently required no local programming whatsoever between 6am and 7pm, seven days a week, while perversely requiring local output in the evenings. Was this deliberate or accidental? It has to be one or the other. Either represents a worrying dereliction of duty by a regulator.

Additionally, as recently as September 2025, the BBC requested a further relaxation for local radio to allow genuinely local output to be further diluted, by specifically allowing “All England” programming, produced in London – rather than anywhere else when the BBC claims to be trying to be less London-orientated – on Sunday afternoons.

Ofcom’s consultation on this change was announced on its website (where it was not prominent) and in e-mail newsletters. It was, however, never publicised, thereby immediately limiting the scope of potential responses.

Ofcom’s subsequent permission for the changes was equally circumspect.

The decision – and the obscurity of terminology used by both Ofcom and the BBC – allowed the anomaly whereby output from Media City in Salford is broadcast by BBC Tees in Middlesbrough – 100 miles away across the Pennines – is considered “locally made”.

The Department for Culture, Media and Sport has indicated – in the Green Paper on the BBC Charter Renewal, published in December 2025, that it already has reservations about the thoroughness of Ofcom’s consultations, saying: “it is clear that with declining engagement with, and trust in, the BBC, improvements to the BBC’s engagement with and accountability to the public are needed. Often the work undertaken is not widely promoted or understood, including low awareness from the public on how they can get involved and contribute their views. Engagement needs to happen in a way that is visible to audiences, ensuring that everyone feels that their voice has been heard. These insights should inform strategic decision-making on the services it delivers, for example, local radio, to ensure it is reflective of audience views.”

Ironically, awareness is growing that Ofcom’s regulatory predecessor, the BBC Trust was actually more thorough and responsive, with a very different approach. When, in 2011, the BBC proposed cutting local radio, the Trust required stations to broadcast announcements urging listener participation. This elicited more than 4,000 responses. The Trust subsequently rejected most of the proposals. Just 19 individuals

and organisations responded to Ofcom's 2025 consultation. Most opposed the changes. Ofcom allowed them, retrospectively. (When the DCMS was considering the possible privatisation of Channel 4 in 2021, its consultation received more than 56,000 responses.)

Ahead of the Charter Renewal, the DCMS has already been asked whether Ofcom or an alternative regulator will require stronger commitments from public service broadcasters and more genuine public consultations.

6. Monitoring the BBC

Apart from laxity in its consultations, Ofcom's continued monitoring of the BBC has aroused concern and attracted criticism.

The Radio Centre expressed "concerns around the limited detail provided by the BBC in its Annual Report around performance monitoring. It is also unclear if Ofcom will commission any new analysis of audience satisfaction or the output of BBC Local Radio as part of its assessment of the BBC's delivery against its Mission and Public Purposes."

Ofcom's 2025 annual report on the BBC also appears to have accepted information and data from the Corporation with insufficient checking, especially in statistics regarding local radio output against the conditions of the operating licence. It should not have been necessary for observant listeners to raise concerns with Ofcom about this.

The Ofcom consultation on *Assessing the Impact of Proposed Changes to the BBC's Public Service Activities*, published on January 20, 2026, (paragraph 1,2) mentions the BBC's "effective engage(ment) with stakeholders". This seems largely to have been missing from Ofcom's stance on BBC local radio in 2023, changes made to Radio Foyle in early 2025 and to local radio again, in the autumn of 2025.

Ofcom's policing of the BBC's engagement with its audiences and potential audiences under the public interest test also seems to need careful review and reinforcement.

In clause 2.4, Ofcom – as regulator – seems to regard commercial sustainability as more important than value for citizen's money. A commercial entity that cannot manage its own sustainability – within the concept of market forces – is clearly no longer viable and therefore unsustainable.

Clause 2.8 confirms that Ofcom sought greater engagement and transparency between the BBC and stakeholders while implicitly suggesting that this is considered only in terms of (commercial) competition rather than licence fee payers and audiences.

7. Retrospective approval

The Radio Centre, in autumn 2025, also noted that retrospective approval of licence change requests "risks undermining the credibility of the BBC's regulatory framework. It suggests that the BBC regards its operating licence conditions as flexible administrative hurdles rather than robust obligations underpinning its public service remit and uniquely privileged funding arrangements.

Later, in clause 13 of the same submission, the Radio Centre said: "If Ofcom were to adopt the same approach in a different scenario ... the impact on fair and effective competition could be far greater. It is important that Ofcom enforces a clear and consistent principle that service changes should not be implemented before regulatory approval is granted."

More robust regulation by Ofcom would ensure that the BBC provided sufficient training for those working in local radio to understand and observe the requisite conditions of the operating licence.

The Nation cited an Ofcom spokesperson as saying: "We recognise how valued local news is to people across the North of Scotland. It's our provisional view that STV's revised proposals would maintain its

distinct regional character on a sustainable basis, as it aims to reach audiences both via traditional bulletins and online. ... (We will) consider all responses carefully before making our final decision.”

However, after the Scottish Parliament’s Culture Committee hearing in January 2026, MSP Jamie Halcro Johnston said that Ofcom’s recommendation that STV should be allowed to end news broadcasts from Aberdeen while they monitored output from Glasgow to ensure it was “of interest” across Scotland “sounds as if the regulator’s minds are ‘pretty made up’.” *The National’s* coverage (January 15) can be read as inferring that Mr Halcro Johnson had little confidence that Ofcom would not grant the STV changes.

8. ‘Linear evolution’

The impression gleaned from Christina Nicolotti Squires’ appearance before the Scottish Parliament’s Culture Committee was that Ofcom does not consider “linear broadcasting” to be a priority. While viewing habits may be evolving generationally, these may “go down as well as up”, especially as those regarded as young in the 2020s become older. Similarly, ageing “boomers” may be less willing to change and see their tastes and requirements “sacrificed on the altar of progress”.

Giving evidence, Ms Squires said: “There is a loss of local news perhaps on a linear television programme, which fewer and fewer people watching (sic). There will be more news on the platforms that people are using to consume news; that is what the outcome should be.”

Millions across the rest of the United Kingdom as well as Scotland disagree. This stance on further portrays Ofcom as arrogant as well as out-of-touch with a significant proportion of the audience, despite attempted reassurances that they would hold STV to account.

That a regulator regards sustainability as being more important than meeting the audience interests (for public service broadcasters) is itself a concern.

9. Regulatory changes

Tight regulation may be the strongest “unique selling proposition” (USP) of UK public service media in the face of AI and other “fake” content as it provides at least a minimum quality control threshold for consumers. Strong regulation represents essential “quality control” of output in the face of these challenges and should be assertively marketed as such. (Strong) regulation enhances the credibility of PSM. Regulation helps “media consumers” identify which sources and output they can believe.

Putting the market before quality can be blamed for the undermining of regulation across the board that began in the 1980s. Uncompromising regulation constrains political and commercial extremism. The geopolitics of the second quarter of the 21st century show that pride in regulation, rather than fear of it, should represent a major national strength. A strong regulation UK would represent greater consumer and public protection in the face of corporate domination and oppression.

10. Licensing

The Overview asks for input regarding the costs involved with compliance, including the provision of information to Ofcom.

One alternative to the BBC licence fee – which was not included in the Department for Culture, Media and Sport, green paper on the renewal of the BBC Charter (published in December 2025) – could cover this. A levy on internet access and non-PSM streaming services could fund the BBC while simultaneously allowing appropriate support of PSM, such as covering these costs and strengthening rather than weakening Ofcom regulation. (It would also banish wide misunderstanding that the licence fee *exclusively* funds the BBC.) Such a percentage levy would be far more equitable than the licence fee and would be applied to individuals as well as properties, as an addition to mobile phone access fees for individuals and broadband access for property occupants.

12. Advertising

Online advertising should have to meet the same standards as those required of linear broadcasters. There must be no diminution in advertising regulation (see suggestion 9).

Conclusion

Ofcom's performance towards its policing of the BBC in its annual review in 2025, its handling of operating licence changes in respect of Radio Foyle and BBC local radio, STV's closure of its Aberdeen news operation and consistency of scrutiny of commercial and community radio with its policy of public service broadcasters the BBC and STV provide evidence that Ofcom is currently unfit for purpose in regulating public service broadcasting.

Ofcom faces the difficult challenge of reaching a decision about STV's plans that will either restore some confidence in its performance or invite further concern and criticism which would likely increase the number and volume of calls for an alternative body to regulate the BBC when the Charter is renewed.

Ofcom's public profile is probably greater than any time since its formation in 1990, with its role in establishing and maintaining online safety, especially in the face of unprecedented political pressure from US-based digital giants. In light of this consultation, the Government may well receive responses to the Green Paper on the Renewal of the BBC Charter that call for any future regulator of the BBC to be properly and adequately funded and resourced so that it is, and remains, fit for purpose.

Ofcom should reflect on the widest credulity of regulation and regulators in the UK. Ofcom is showing greater leadership addressing online safety and abuse. Similar diligence and vigour is essential to protect the future of public service media.

Waiting to introduce changes quickly ahead of the BBC Charter Renewal may seem opportune. However contributing to the wider review already being demanded of the Review process and waiting until necessary legislation has been enacted may be more constructive.

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