

# Designation of Radio Selection Services

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Principles and methods for Ofcom's recommendations

## Consultation

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# 1. Overview

Radio continues to be very popular in the UK, with nearly 9 in 10 people listening to a radio service each week.<sup>1</sup> More and more of this listening happens via voice-activated devices such as smart speakers, smartphones, or in-car entertainment systems.<sup>2</sup> Online streams of radio services represent more than a quarter of all live radio listening, more than doubling in the past five years.<sup>3</sup>

In the light of that, the [Media Act](#) introduces for the first time a set of rules which aim to secure the availability of online streams of broadcast radio services via voice-activated devices.

## The Media Act changes the broadcasting regulatory landscape

The Media Act represents the first major update to media legislation for 20 years. It introduces provisions to the Communications Act 2003 to protect the availability of UK radio on connected audio devices, reflecting the recommendations made in the cross-industry [Digital Radio & Audio Review 2021](#) published by DCMS in 2021. It brings into regulation certain voice-activated online services – radio selection services, or RSS - that have been designated by the Secretary of State ('DRSS'). It requires DRSS to reliably provide the online stream of a UK broadcast radio service in response to a user's voice command, amongst other requirements.

Ofcom has a number of roles in respect of this new regulatory framework for online radio streams. Our first role is to provide the Secretary of State with a report making recommendations about which radio selection services should be designated. Before we provide that report, we must develop a set of principles and methods by which we will arrive at the recommendations in the report. We must publish these as a statement on our website. It is for the Secretary of State to decide which of the RSS available in the UK are designated.

This consultation sets out our proposals for these principles and methods. Our draft Statement of Principles and Methods is in Annex 1 to this consultation.

In addition to the consultation questions, we have asked a supplementary question. This seeks views on our emerging thinking on appropriate sources of data for measuring use and for setting the threshold for the recommendations in our first report to the Secretary of State.<sup>4</sup> We intend to consider any information provided in response to this question for that purpose.

We welcome responses to this consultation by **18 March 2025**. Once we have considered responses, we will publish a finalised Statement of Principles and Methods as soon as possible thereafter.

We will then consult on our proposed recommendations before submitting our first report to the Secretary of State.

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<sup>1</sup> RAJAR Q3 2024

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> The consultation questions and supplemental question are outlined in Section 4 and a summary list is included in Annex 7.

## What we are proposing – in brief

We propose a set of principles and methods that we will apply when making reports to the Secretary of State with recommendations for designation of RSS.

These principles and methods reflect the following matters that we must assess when preparing our reports:

- The number of members of the public using the service: In measuring the number of users in the UK, we will use the best available evidence. This may mean using a proxy if we consider individual user numbers cannot be measured reliably.
- The manner in which the service is used: We propose that we will generally take account of the different ways in which an RSS can be used to listen to internet radio services in considering the manner in which people use an RSS.
- Whether the level of use of the service is significant: In determining the significance of the level of use of an RSS, we are proposing to use a quantitative threshold. When determining if level of use is significant, we will consider whether our decision contributes to the policy objective to make relevant internet radio services widely available to users of RSS. We also propose to determine our threshold in a proportionate way, taking into account that designation of an RSS will impose obligations on providers of RSS, in making our recommendation.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on, and our reasoning is set out in the full document.

## 2. Implementing Part 6

- 2.1 Radio is very popular in the UK, with almost 51 million people tuning in for an average of 20.5 hours each week.<sup>5</sup> As well as providing entertainment and a background to people’s lives, radio has an important role in providing local, national and international news and helps communities connect. It also provides a communication channel for sharing local information, such as school closures or events, supporting the inclusion of people who don’t use other digital communication channels such as social media.
- 2.2 But the way in which people access radio is changing. More and more listening is happening over the internet, some of which is via voice-activated devices such as smart speakers, smartphones, or in-car entertainment systems.<sup>6</sup> Listening to radio services streamed online accounts for more than a quarter of all live radio listening, more than doubling its share in the past five years.<sup>7</sup> In the [impact assessment](#) for this part of the Media Act, government set out the rationale for changes to the scope of regulation: “Given the risk of a shift in the balance of power between platforms and stations, it is important that the Government takes action to ensure that listener access to radio across these devices is protected over the years to come.”<sup>8</sup>
- 2.3 In recognition of this changing landscape, the [Media Act](#), which came into force in July 2024, brings into regulation those voice-activated online services that can stream internet radio services (‘radio selection services’ or ‘RSS’) that have been designated by the Secretary of State.<sup>9</sup> It requires, among other things, that designated RSS (‘DRSS’) reliably provide the online stream of a UK broadcast radio service in response to a user’s voice command.
- 2.4 This consultation is the first in a series of consultations on the implementation of Part 6 of the Media Act. In this section we briefly outline our role in relation to the designation of RSS and subsequent phases of implementation. Our relevant regulatory duties are summarised in Annex 2, which includes a description of the legal framework for designating RSS and the duties we have had regard to in developing our proposed principles and methods.

### Designation of radio selection services

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- 2.5 Under the Act, designation of RSS is a decision for the Secretary of State, although they may only designate those radio selection services which they consider have a “significant” level of use for listening to internet radio.<sup>10</sup> To inform their decision, they must first receive from Ofcom a report containing our recommendations about which services to designate and then consult stakeholders.<sup>11</sup> The Act specifies the factors that we must take into account when we make our recommendations – these are discussed in more detail in Section 4 but, in brief, include the number of people using an RSS and the manner in which they do so. It

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<sup>5</sup> RAJAR Q3 2024

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> Regulation of radio services across voice assistant platforms impact assessment, page 1

<sup>9</sup> Part 6 of the Act

<sup>10</sup> Section 362BB of the Act

<sup>11</sup> Section 362BC of the Act

is also open to us to prepare a report for the Secretary of State at any other time we think it is appropriate.

- 2.6 Before we produce this report, the Act requires us to first develop a set of principles and methods which we will follow when preparing our reports to the Secretary of State.<sup>12</sup> We can review and revise our principles and methods when we consider it appropriate to do so. Section 4 of this consultation explains how we have derived our proposed Statement of Principles and Methods, a draft of which is at Annex 1. Our assessment of the potential impact of our proposals is in Annex 3.
- 2.7 After the Secretary of State has decided whether and which RSS to designate, we will continue to have a role in providing reports on further designations or possible revocations, maintaining a list of DRSS on our website,<sup>13</sup> and in compiling and keeping under review information that is relevant to designation and the possible revocation of designation.<sup>14</sup>

## Notification process for internet radio services and issuing a Code of Practice

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- 2.8 Beyond providing recommendations for the designation of RSS, Ofcom has two other roles.
- 2.9 First, the Act states that DRSS must, among other things, take “all reasonable steps” to make streamed radio services available, neither interrupting them nor prefacing them with advertising, subject to user preferences, and ensuring that where requested, streams are provided via the “particular method” specified by the stream’s provider.<sup>15</sup> Ofcom must provide guidance, in the form of a Code of Practice, as to how a DRSS can comply with these obligations.<sup>16</sup>
- 2.10 Second, we must set up a process for those internet radio services (‘IRS’)– known as relevant internet radio services (‘RIRS’) – that wish to benefit from the new regime to register on a list we will maintain. Providers of IRS must fulfil two criteria to qualify as “relevant” – they must submit a notification to us and satisfy us that they have “an effective system or process” in place to ensure that their online stream “correspond[s]”<sup>17</sup> to a UK radio service provided by the BBC or under an Ofcom-issued broadcasting licence.<sup>18</sup> Our notification process will explain how IRS providers can do so.
- 2.11 These will be the subject of future consultations in 2025. Our current plans for the timing of these consultations can be found in [the interactive timetable](#) on our website.

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<sup>12</sup> Section 362BC(5) of the Act

<sup>13</sup> Section 362BE of the Act

<sup>14</sup> Section 362BZ1 of the Act

<sup>15</sup> Section 362BI of the Act

<sup>16</sup> Sections 362BI, 362BK, 362BL and 362BM of the Act refer to the Code of Practice.

<sup>17</sup> “Correspond” has the meaning set out in section 362BG(4) of the Act.

<sup>18</sup> Sections 362BF and 362BG of the Act refer to the meaning of internet radio service and relevant internet radio service and list maintained by Ofcom.

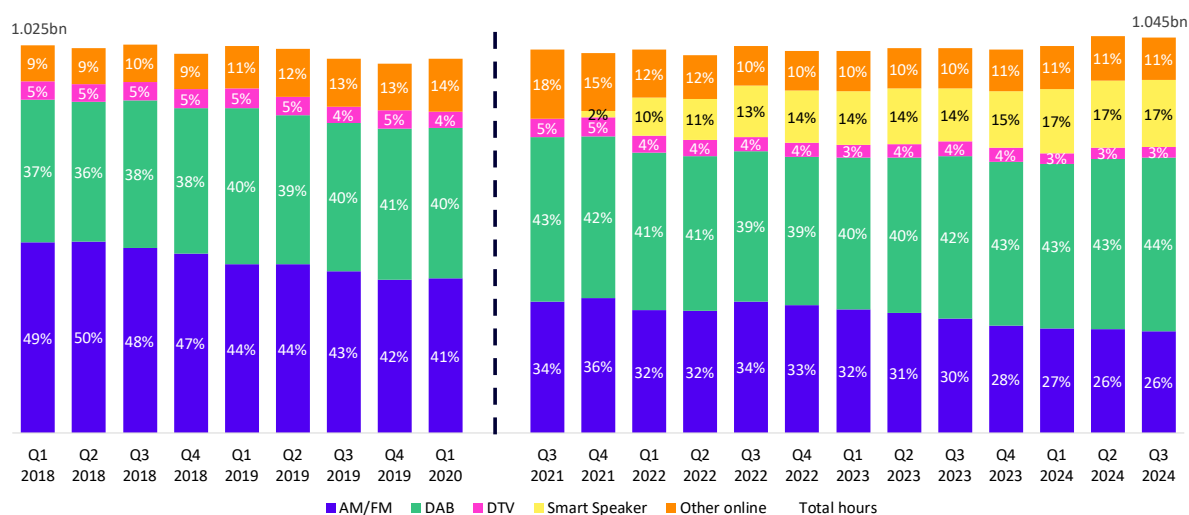
# 3. How radio listening is changing

## Radio and online listening

### Listening to the radio online accounts for an increasing proportion of radio listening overall

- 3.1 Radio continues to be a key source of news, information, and entertainment for people across the UK, with nearly 51 million adults (88.3%) listening to live radio each week.<sup>19</sup> This figure has remained fairly constant, hovering between 87% and 91% of adults each quarter for the past twenty years.<sup>20</sup>
- 3.2 While reach continues to be high, the way in which people listen to the radio has evolved over time. As Figure 1 shows, DAB listening has grown gradually over the past six years and now accounts for the largest share of radio listening. In contrast AM/FM listening has halved over the same period and has now been overtaken by listening to radio streamed over the internet, the majority of which comes via smart speakers (17% of total radio listening) with the rest through a range of other devices including smartphones and laptops (11%).

Figure 1: Total hours and share of all radio listening by platform, 2018-2024



Source: RAJAR. Note: dotted line indicates suspension of fieldwork from the end of Q1 2020 until Q3 2021 due to the Covid-19 lockdowns. This led to subsequent changes in methodology, so comparison with previous quarters should be made with caution. DTV is digital television – respondents classify their listening so it may include some IPTV.

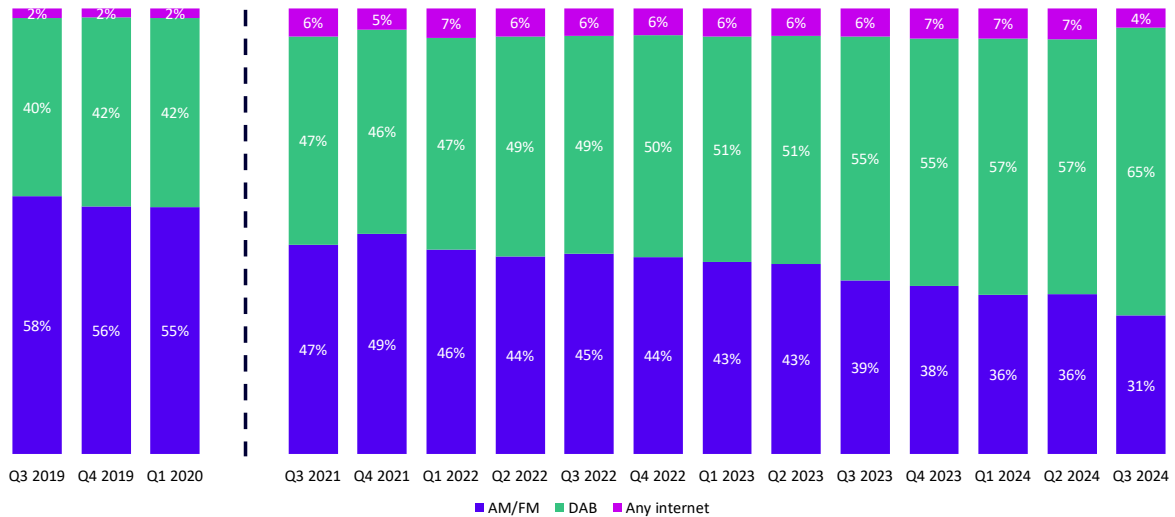
- 3.3 Where people listen is an important factor in the platforms they use. The majority of radio listening is at home (62%) while just over a quarter (26%) is in vehicles and 12% is at work

<sup>19</sup> RAJAR Q3 2024

<sup>20</sup> Ibid

or elsewhere.<sup>21</sup> Almost two thirds of in-car listening is via DAB, with the rest mainly via AM/FM. While the ability to stream online audio in vehicles is increasingly common,<sup>22</sup> in-car listening to radio over the internet has remained relatively low and stable over the past three years.<sup>23</sup>

**Figure 2: Share of in-car radio listening by platform, 2019-2024**



Source: RAJAR; listening 'In a car/van/lorry'; dotted line indicates suspension of fieldwork and change in methodology. Comparison with previous quarters should be made with caution.

## Voice control

- 3.4 In parallel with the rise of online listening, different types of connected devices are increasingly enabling users to request online radio using their voice. Over the past decade, voice control functionality has expanded to smart speakers, smartphones, computers, connected TVs (built into the set or via a smart TV stick or set top box), in-vehicle navigation, and wearable technology like smart watches. It provides users with benefits such as hands-free convenience, enhanced accessibility, and safety (particularly in cars).
- 3.5 Voice control systems use Natural Language Processing algorithms, which convert speech into text that can be interpreted by the voice assistant. If it interprets a request as being for an internet radio service, it sources the audio output. This could be from services provided by the platform itself and/or third party services and apps (such as internet radio services' own apps or services by other companies that aggregate radio streams). It then streams the audio output to the device speakers. Some voice control systems are integrating Large Language Models to improve contextual interpretation of users' requests and to allow more conversational and natural sounding and relevant responses.

<sup>21</sup> RAJAR Q3 2024

<sup>22</sup> According to [Ofcom's Technology Tracker](#), 43% of vehicle users could stream audio content via the internet in their car in 2024 and 24% said they had an in-car voice assistant.

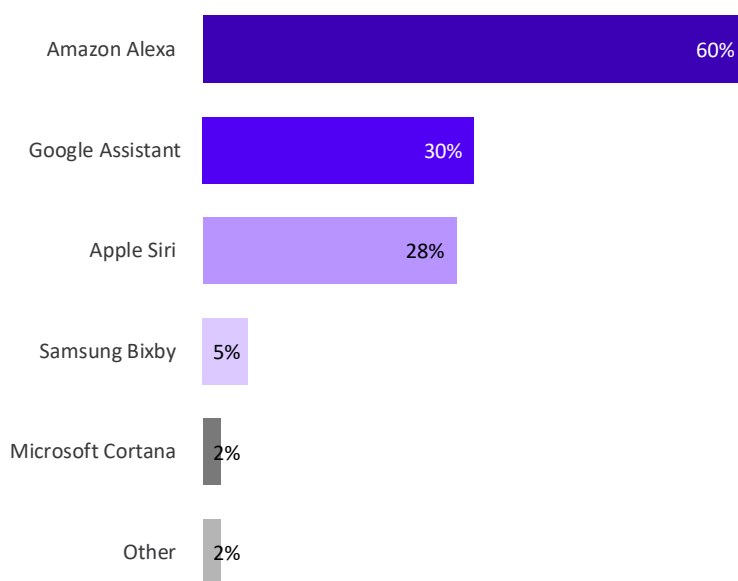
<sup>23</sup> RAJAR Q3 2024



## The take-up of different voice assistants in the UK

- 3.6 We commissioned consumer research in September 2024 to understand what voice assistants are being used in the UK and how people use them.<sup>24</sup> Half of connected device users in the research say they have used a voice assistant in the past three months (51%).
- 3.7 Our research (which is set out in Figure 3) found that among voice assistant users, 60% of these reported using Amazon Alexa, twice the number who reported using Google Assistant (30%) and Apple Siri (28%). Use of other voice assistants, including Samsung’s Bixby (5%) and Microsoft Cortana (2%), was much lower.

**Figure 3: Percentage of voice assistant users using each voice assistant in the UK**



*Ofcom Voice Assistant Brands Research September 2024.*

*Q3. Which voice assistant(s) did you use [in the last 3 months]? Select all that apply. Base: All who used a voice assistant in the last three months (2070). Note: Microsoft’s Cortana was discontinued in summer 2024 when Cortana functionality in Outlook was ended. It was included in the research as respondents were asked to consider their use of voice assistants in the last 3 months.*

- 3.8 A significant minority of voice assistant users told us they used voice assistants to listen to the radio, but other activities are even more popular. Just over two-fifths (43%) of voice assistant users told us they had used a voice assistant to access radio on a connected device in the prior three months, compared to 62% for other music listening and 54% for other tasks.

## What is a radio selection service?

### Radio selection services are a subset of voice assistants

- 3.9 The Media Act defines an RSS as “a service provided by means of the internet which enables, or among other things enables, a user of the service—
- a) to make a selection between internet radio services provided by different providers, and

<sup>24</sup> Ofcom Voice Assistant Brands Research September 2024

- b) to cause a selected internet radio service to play,*
- c) by giving spoken commands that are recorded by equipment connected to the internet.”<sup>25</sup>*

3.10 An RSS is a type of voice assistant that enables audiences to listen to internet radio services following a voice command. Voice assistant services can be accessed via devices such as smart speakers and smartphones; but it is important to be clear that these devices in themselves are not RSS. An RSS that may be used for many other purposes – for example, some people use voice assistants to set timers, provide information or keep notes and memos – would still be considered an RSS as long as it still has the ability to play internet radio services. But a service that was unable to play an internet radio service in response to a voice command would not meet the definition of an RSS under the Act. For example, where a user makes a request for a radio service but that service can only return a clickable link rather than causing it to play, this would not fall within the scope of the existing definition. What differentiates an RSS from other voice assistants is the ability of a user to request an internet radio service via spoken command and for it to be played as a result.

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<sup>25</sup> Section 362BA of the Act.

## 4. Principles and methods for our report to the Secretary of State

- 4.1 In this section we discuss the framework we propose to use when we prepare our report to the Secretary of State on the designation of RSS.
- 4.2 As explained in Section 2, the Secretary of State will designate RSS by regulations. They may only make designation regulations after having received a report from Ofcom setting out our recommendations on the exercise of the designation power.<sup>26</sup>
- 4.3 The Secretary of State may only designate an RSS where they consider that the level of use of the service in the United Kingdom to listen to internet radio services is significant or significant in certain circumstances, such as while in a vehicle.<sup>27</sup>

### Developing our approach to the principles and methods

- 4.4 In our report to the Secretary of State we must assess: (a) the number of members of the public using a particular RSS; (b) the manner in which that RSS is used; c) whether the level of use is significant; and d) any other matters we consider likely to affect factors a) to c).<sup>28</sup>

### Number of members of the public using the service and manner of use

- 4.5 Our report must include an assessment of the number of members of the public using a particular RSS.
- 4.6 As explained in Section 3, not all users of an RSS will be using it to stream radio. Some may only use an RSS to control smart home appliances, set alarms or search for information online. Those who do use an RSS to listen to audio content may be choosing to stream music or listen to podcasts, rather than live radio. As the Secretary of State’s designation powers relate to services which are “used by significant number of members of the public to listen to internet radio services”, and as the requirements under the new regime relate to the use of RSS to listen to IRS,<sup>29</sup> we consider only those people using an RSS to listen to internet radio services to be relevant.
- 4.7 The widespread adoption of voice assistant technology remains relatively novel. As a result, there isn’t to date a single publicly available measure of the number of members of the public in the UK using an RSS to listen to internet radio services. Consequently, one or more proxies is likely to be required.
- 4.8 When making our recommendations we propose to use what we consider to be the best available data at the time to provide an objective and reliable basis for measuring the number of people in the UK using an RSS to listen to internet radio services and to explain

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<sup>26</sup> Section 362BB(3) of the Act.

<sup>27</sup> Section 362BB(2) of the Act.

<sup>28</sup> Section 362BC(4) of the Act.

<sup>29</sup> See the explanation of “relevant internet radio services” in the legal framework in Annex 2.

why we have done so. We will apply a consistent methodology to our assessment of each RSS to ensure fair treatment.

- 4.9 Our report must also include our assessment of the manner in which an RSS is used to listen to internet radio services. We consider the manner of use to mean the different ways in which an RSS can be used to listen to internet radio services. For example, this may relate to where listening is taking place (such as in home, in-vehicle); how often members of the public are using an RSS to listen to internet radio services and how long listening sessions last.

**Consultation Question:**

Q1. Do you agree with our proposed principles and methods for assessing the number of members of the public using an RSS to listen to internet radio services and the manner in which they use the RSS?

## Sources of data for measuring number of members of the public using the service and manner of use in our first report

- 4.10 We have been considering the sources of data we could draw upon in our first report to assess both the number of users and the manner in which these people use the service. As set out in Section 3, listening patterns are evolving as take up of devices such as smart speakers which contain voice assistant technology grows – around one in five (22%) households had a smart speaker in 2020, rising to four in ten (41%) by the start of 2024, with just under half of those (46%) having two or more.<sup>30</sup> Given these changing patterns, we may place particular weight on current and recent data, as opposed to historic data sources, and may consider a broad range of information. The two main categories of sources we've identified are audience-derived data and industry-derived data.
- 4.11 The audience-derived data refers to a combination of data sources provided by audience surveys. These include established third-party surveys for data measuring radio and online audio listening: RAJAR<sup>31</sup> and IPA TouchPoints.<sup>32</sup> Ofcom already uses these data sets in our existing work, for ongoing industry understanding and context, and when reporting on radio listening habits.<sup>33</sup> We also undertake our own consumer research, such as our annual Technology Tracker, our annual Audio and Podcast surveys, alongside bespoke qualitative and quantitative research that we commission.
- 4.12 Audience-derived survey data provides information about the surveyed individuals' reported use of voice assistant services to access internet radio services. It enables us to look at use by device and in different settings such as at home and in vehicles. It is available to industry as well as to Ofcom, which would help provide transparency to our methods of calculating use and the manner of that use and is well understood by industry stakeholders. On the other hand, as survey-based sources measure reported use, they are unlikely to tell us about the number of requests for internet radio services made by RSS users, nor the actual number of internet radio streams delivered to users in response to such requests.

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<sup>30</sup> Media Nations 2022 and 2024.

<sup>31</sup> RAJAR

<sup>32</sup> [IPA | TouchPoints](#)

<sup>33</sup> Our regular reports on audio listening are included in [Media Nations 2024](#) and our [Audio Report](#).

- 4.13 The main element of RAJAR’s measurement is a self-completion diary in which respondents record their live radio listening throughout the day, including their location (i.e. at home, in a car/van/lorry, at work/elsewhere) and the platforms they use to listen (i.e. on AM/FM, DAB, DTV, smart speakers, or other online) for seven days. This respondent-level data is then aggregated and averaged out over a three-month period.<sup>34</sup> The IPA TouchPoints’ seven-day diary requires respondents to record their media consumption throughout the day by type (e.g. streamed music, radio, podcast), device (e.g. smart speakers) and service (e.g. Spotify, Apple Music etc.).
- 4.14 The focus of RAJAR data is live listening to licensed broadcast radio services. RAJAR captures the amount of listening to the online streams of those broadcast radio services and, to a more limited degree, listening to other online radio services. It provides a measurement of listening via smart speakers, and also types of online listening, such as listening via apps and browsers. TouchPoints covers a broader range of audio types across different audio services and devices. On their own, neither RAJAR nor IPA TouchPoints provide a complete picture of voice-activated radio listening across connected devices; a composite approach may provide a more robust measurement of the consumption of IRS via RSS because it allows us to verify findings across complementary data sources.
- 4.15 In relation to industry-derived data, we understand that RSS and radio operators hold data on requests by their users/listeners, and the streams provided in response to such requests. We understand that this may include aggregated data on the number of stream-starts, the number of requests made, and the user base of such services. This data could provide actual information on the number of streams of audio content started, the length of time for which those streams were received, and a measurement of the number of users or accounts linked to those streams. Such data has the potential to better measure the number of people making voice commands to each RSS, as many will require users to set up an account or profile. In advance of producing our first report we are considering the merits of different sources and are considering requesting industry information to help inform our approach.
- 4.16 The person making voice commands to an RSS to request an internet radio service may not be the only person listening to that service. Radio is often enjoyed collectively in the home, the workplace, or in a vehicle shared by a driver and their passengers, as well as by people individually. We consider that both types of users (those who make the voice command and listeners) may be relevant in our analysis.

**Supplementary Question:**

We welcome views on the potential sources of data we are considering using in our first report to assess number of users and manner of use.

## Significant level of use

- 4.17 Our report must include our assessment of whether the level of use of an RSS is significant.

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<sup>34</sup> Since Q3 2021, RAJAR has used a hybrid methodology which uses three data collection components: a diary sample comprising c.15,000 UK adults aged 15+ completing a 7-day diary; a continuous panel of c.5,000 participants providing app-based passive listening data; and a targeted diary sample of c.1,000 participants to boost representation of young people and selected minority ethnic groups. More information on the RAJAR methodology is available [on the RAJAR website](#).

- 4.18 The aim of Part 6 is to ensure that as technology evolves and radio listening shifts to new platforms, audiences can continue to access the radio services they want. As listening via voice-activated platforms grows, ensuring that radio services can be accessed by audiences on these platforms has an important role in enabling audiences to continue to benefit from the personal and societal benefits of UK radio (such as for entertainment, staying informed and connecting communities) when accessed online.
- 4.19 When making recommendations as to what constitutes a ‘significant’ level of use of an RSS, we will seek to set a threshold that ensures that relevant internet radio services<sup>35</sup> are widely available to audiences in the UK.
- 4.20 However, any threshold we recommend must be proportionate. We recognise that designating RSS will impose regulatory obligations on the providers of those services and may create additional costs. Designated RSS providers will be subject to statutory duties for which they cannot charge providers of relevant internet radio services, including requirements relating to users’ ability to select and cause to play relevant internet radio services; restrictions on adding, overlaying and interrupting these services; and requirements relating to the preferred method for selecting and playing these services. A recommendation to designate an RSS may not be proportionate if there are only limited audience benefits arising from that designation. We therefore will aim to strike an appropriate balance between the audience benefits and the impact of the regulatory obligations arising from designation.
- 4.21 Generally, we would recommend the designation of an RSS at or above whatever level we consider to be a significant level of use. However, there may be reasons that we would consider it appropriate not to recommend the designation of an RSS that meets the threshold. For example, we might not recommend the designation of such an RSS if evidence suggests that the level of use is declining and unlikely to be over the threshold for a reasonable period of time after designation. A designation in such a case would likely have limited audience benefits and would not be in the interests of regulatory stability.
- 4.22 In our report, we would explain why we consider it appropriate to designate an RSS that meets the significance threshold. We would also explain why we consider it appropriate not to designate such an RSS.
- 4.23 We recognise that what is a ‘significant’ level of use is context dependent and may change over time due to market conditions. As such, what we consider to be a significant level of use at one time may change in the future. We propose that our assessment of significance would take this into account when we are preparing future reports for the Secretary of State.

**Consultation Question:**

Q2. Do you agree with our proposed principles and methods for assessing whether the level of use of an RSS is significant?

## **Additional relevant matters**

- 4.24 In our report we must also include our assessment of “such matters as [we] consider likely to affect the above matters” – i.e. matters which are likely to affect our assessment of the

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<sup>35</sup> Relevant internet radio services are defined in section 362BG of the Act.

number of users of an RSS; the manner in which the RSS is used; and whether the level of use is significant.

- 4.25 We propose to decide on a case-by-case basis whether there are any additional matters that it would be appropriate for us to consider, taking into account our relevant statutory duties. These matters may include: the importance of use in specific circumstances, such as listening in different settings (such as in home or in vehicle) or via different devices; market indicators such as growth projections; or other market factors contributing to the way in which audiences are accessing radio services via the RSS. The relevance of these factors is likely to depend on the circumstances at the time we produce our reports. We will also have regard to the Secretary of State's power to designate a radio selection service if the level of use is significant in certain circumstances (such as while in a vehicle as referred to in Section 362BB(2)).
- 4.26 Depending on the circumstances at the time, in addition to the data sources we may use for determining significance, we may decide to undertake additional research if we think it would be helpful to inform our assessment.

**Consultation Questions:**

Q3: Do you agree with our proposed principles and methods for assessing any other relevant matters?

Q4. Do you agree with our proposed approach to general principles in our principles and methods statement annex?

# A1. Draft Statement of Principles and Methods

## About this document

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A1.1 This document is the Statement of Principles and Methods to be applied by Ofcom when preparing a report which makes recommendations to the Secretary of State regarding the designation of radio selection services under section 362BC of the Communications Act 2003 (“the Act”). Section 362BC(7) of the Act requires Ofcom to produce and maintain a statement setting out these principles and methods.

## Legal framework

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A1.2 The aim of the radio selection service regime in Part 3B of the Act is to ensure that audiences can access online streams of UK radio services in particular circumstances, namely when a listener makes a voice request to a radio selection service (we explain what a radio selection service is in the following section). To achieve this, the providers of designated radio selection services must ensure that when a listener asks for a particular UK radio service, the radio selection service plays that service.<sup>36</sup> The regime also places other requirements on providers of designated radio selection services relating to the interruption or overlaying of the online stream with other content,<sup>37</sup> and the method used to play the online stream.<sup>38</sup> These requirements are subject to preferences set by users of designated radio selection services.<sup>39</sup> Further, providers of designated radio selection services are prohibited from charging the providers of the online streams of UK radio stations for doing what they are required to do to comply with the regime.<sup>40</sup>

A1.3 Online streams of radio services are called “internet radio services”.<sup>41</sup> In summary, the radio selection service regime applies to internet radio services which correspond<sup>42</sup> to UK analogue or DAB radio services provided by the BBC or provided under a broadcasting licence issued by us.<sup>43</sup> These are called “relevant internet radio services” and will be included in a list maintained by us.<sup>44</sup>

A1.4 The Secretary of State may make regulations which designate specific radio selection services.<sup>45</sup> This power can only be exercised if the Secretary of State considers that the level of use of the radio selection service in the UK to listen to internet radio services is

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<sup>36</sup> Section 362BI(1) of the Act.

<sup>37</sup> Section 362BI(2) of the Act.

<sup>38</sup> Section 362BI(3), (4) and (5) of the Act.

<sup>39</sup> Section 362BI(5) of the Act

<sup>40</sup> Section 362BI(6) of the Act.

<sup>41</sup> “Internet radio service” is defined in section 362BF of the Act.

<sup>42</sup> “Correspond” has the meaning set out in section 362BG(4) of the Act.

<sup>43</sup> The specific categories of analogue and DAB radio services which are within scope of the regime are set out in section 362BI(11).

<sup>44</sup> “Relevant internet radio service” is defined in section 362BG of the Act.

<sup>45</sup> Section 362BB(1) of the Act.



“significant”. This may be a level of use which the Secretary of State considers to be significant in certain circumstances, such as while in a vehicle.<sup>46</sup>

- A1.5 The Secretary of State must have received a report from Ofcom before making or amending designation regulations.<sup>47</sup> Our report must set out recommendations on how the Secretary of State should exercise their regulation making powers. We may decide to prepare such a report on our own initiative.<sup>48</sup> Alternatively, the Secretary of State may ask us to prepare a report, in which case we must do so as soon as practicable.<sup>49</sup>
- A1.6 The Act provides Ofcom with information gathering powers that can be used to obtain information that we consider necessary to inform our report to the Secretary of State.<sup>50</sup> These powers allow Ofcom to require information to be obtained or generated by the person receiving the request.<sup>51</sup>
- A1.7 Ofcom must publish a statement about the principles and methods it will apply when preparing a report for the Secretary of State. This document is that statement. We may revise or replace this statement.<sup>52</sup>
- A1.8 A more detailed legal framework is set out in Annex 2.<sup>53</sup>

## Principles and methods for preparing our report on designation of radio selection services

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### What is a radio selection service?

- A1.9 A radio selection service or RSS is a service provided via the internet which enables (or among other things enables) the user to do the following things by giving “spoken commands” recorded by equipment connected to the internet:
- a) to make a selection between internet radio services provided by different providers; and
  - b) to cause a selected internet radio service to play.<sup>54</sup>
- A1.10 In order to fall within the definition of an RSS, a service must be able to play internet radio services in response to a voice command from a user. Services that don’t directly play streams of internet radio services (for example, those that are only capable of providing links for users to access radio streams) would not meet the definition of a ‘radio selection service’ under the Act.

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<sup>46</sup> Section 362BB(2) of the Act.

<sup>47</sup> Section 362BB(3) of the Act.

<sup>48</sup> Section 362BC(1) of the Act.

<sup>49</sup> Section 362BC(2) and (3) of the Act.

<sup>50</sup> Section 362BQ of the Act.

<sup>51</sup> Section 362BQ(2) of the Act.

<sup>52</sup> Section 362BC(7) and (8) of the Act.

<sup>53</sup> For the purposes of this consultation, Annex 2 serves as the legal framework to both the consultation document and this draft statement. The legal framework will be annexed to the final version of this statement when published.

<sup>54</sup> Section 362BA(1) of the Act. The Secretary of State may modify the definition of “radio selection service” under section 362BA(2) of the Act. Ofcom will apply the definition in force at the time of preparing a report.

## How Ofcom will make assessments

A1.11 Section 362BC(3) of the Act sets out the matters Ofcom must consider when preparing a report making recommendations about the exercise of the Secretary of State's power to designate an RSS. A report prepared by Ofcom must include an assessment, in relation to each RSS in question, of:

- a) the number of members of the public using the service;
- b) the manner in which the service is used by those persons;
- c) whether the level of use of the service is significant; and
- d) such matters as OFCOM consider likely to affect the matters referred to in paragraph (a), (b) or (c).<sup>55</sup>

A1.12 We set out below the principles and methods we will apply when assessing these matters.

### **(a) The number of members of the public using the service**

A1.13 Ofcom will assess the number of members of the public using the RSS to listen to internet radio services.<sup>56</sup> To achieve this:

- a) We will use the best available evidence to provide an objective and reliable basis for measuring the number of people in the UK using each RSS to listen to internet radio services.
- b) If we consider individual user numbers cannot be measured reliably, we may use a proxy for user numbers. We may take an approach that involves combining more than one metric or proxy.
- c) We will apply a consistent methodology to our assessment of each RSS to ensure fair treatment.

### **(b) The manner in which the service is used by those persons**

A1.14 We will generally take account of the different ways in which an RSS can be used to listen to internet radio services. We may consider a broad range of information (such as where listening is taking place (home, car etc), how often and for how long users are listening to internet radio) in our approach.

### **(c) Whether the level of use of the service is significant**

A1.15 We will set a threshold that we consider to be significant:

- a) When setting this threshold, we will seek ensure that relevant internet radio services are widely available to users of RSS.
- b) We will generally consider what level of use is significant every time we prepare a report. We will consider any relevant factors which may affect what is significant at that particular time, recognising that significance is context dependent. As such, where we have previously given recommendations, we will consider if the threshold used in that report is still appropriate.

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<sup>55</sup> Section 362BC of the Act.

<sup>56</sup> The Secretary of State must consider that the level of use of a RSS in the UK to listen to internet radio services is significant in order to designate it (section 362BB(2) of the Act).

c) We will determine the threshold in a proportionate way. We will take into account that designation of an RSS will impose regulatory obligations on providers of RSS.

A1.16 Generally, we will recommend the designation of an RSS at or above a threshold we consider to be a significant level of use. However, taking into account the other principles and methods in this statement, we may consider it appropriate not to recommend the designation of such an RSS. For example, we may not recommend the designation of an RSS if evidence suggests that the level of use is declining and is unlikely to be over the threshold for a reasonable period of time after designation. We will explain why we have or have not recommended the designation of RSS that are at or above the threshold.

**(d) Any other matters Ofcom considered likely to affect the above**

A1.17 We will consider whether it would be appropriate to assess any other factors that are likely to affect the matters referred to above, taking into account our relevant statutory duties.<sup>57</sup>

A1.18 These matters may include level of use by different audience groups, market indicators such as growth projections or other market factors contributing to the way in which audiences are accessing radio services via the RSS. The relevance of these factors is likely to depend on the circumstances at the time we are preparing a report. We will also have regard to the Secretary of State's power to designate a radio selection service if the level of use is significant in certain circumstances (such as while in a vehicle as referred to in section 362BB(2)).

## General principles

A1.19 We will explain why we have taken a particular approach in our report and how that approach is consistent with the principles and methods set out in this statement.

A1.20 However, we may consider it appropriate or necessary to follow different principles and methods to those set out in this statement. If we follow different principles and methods, then we will explain why we have done this.

A1.21 We may use our information gathering powers in section 362BQ of the Act to gather evidence to inform our report.

A1.22 We will publish the reports that we give to the Secretary of State.<sup>58</sup>

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<sup>57</sup> Our relevant statutory duties are set out in the annex to this statement.

<sup>58</sup> Section 362BC(5) of the Act.

# A2. Legal Framework

## Legal Framework

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- A2.1 This Annex sets out the statutory framework regarding the designation of radio selection services (RSS) under Part 3B of the Communications Act 2003 (the Act), which was inserted into the Act by Part 6 of the Media Act 2024. This Annex is only a summary of the relevant provisions, it is not a substitute for reference to the statute.
- A2.2 Also relevant are Ofcom’s general duties in carrying out its functions, to further the interests of citizens in relation to communications matters and consumers in relevant markets, where appropriate, by promoting competition.<sup>59</sup> In doing so, Ofcom must have regard to a number of matters including the desirability of encouraging investment and innovation in relevant markets.<sup>60</sup>
- A2.3 In performing its general duties, Ofcom must have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, and any other principles appearing to Ofcom to represent the best regulatory practice.<sup>61</sup>
- A2.4 As explained further below, RSS that are designated by the Secretary of State (designated RSS or DRSS) will have to comply with various statutory obligations related to access to relevant internet radio services.<sup>62</sup>

## Radio selection services

- A2.5 The Act defines an RSS as “a service provided by means of the internet which enables, or among other things enables, a user of the service—(a) to make a selection between internet radio services<sup>63</sup> provided by different providers, and (b) to cause a selected internet radio service to play, by giving spoken commands that are recorded by equipment connected to the internet.”<sup>64</sup>
- A2.6 The Secretary of State may by regulations amend the definition of “radio selection service”.<sup>65</sup> The amendments that may be made by the Secretary of State include adding, removing or altering a thing that a radio selection service is to enable a user to do.<sup>66</sup>

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<sup>59</sup> Section 3(1) of the Act.

<sup>60</sup> Section 3(4)(a) of the Act.

<sup>61</sup> Section 3(3) of the Act.

<sup>62</sup> Section 362BI of the Act.

<sup>63</sup> Section 362BF of the Act defines an internet radio service as “a service, or a dissociable section of a service, which consists in the provision by a person of programmes consisting wholly of sound (together with any ancillary services) with a view to their being made available for reception by members of the public by being distributed by means of the internet (whether by the provider of the service or another person)”.

<sup>64</sup> Section 362BA(1) of the Act.

<sup>65</sup> Section 362BA(2) of the Act.

<sup>66</sup> Section 362BA(3) of the Act.

## Designated radio selection services

- A2.7 A "designated radio selection service" (DRSS) is a radio selection service designated by the Secretary of State by regulations.<sup>67</sup>
- A2.8 The Secretary of State may designate a radio selection service only if the Secretary of State considers that the level of use of the service in the United Kingdom to listen to internet radio services is significant (and the Secretary of State may consider the level of use to be significant if the Secretary of State considers it to be significant in certain circumstances, such as while in a vehicle).<sup>68</sup>

## Ofcom's report to the Secretary of State

- A2.9 Before the Secretary of State can make regulations designating a RSS, the Secretary of State must have received a report from Ofcom, containing Ofcom's recommendations on the exercise by the Secretary of State of their powers to make regulations to designate the radio selection service in question.<sup>69</sup>
- A2.10 Ofcom may decide on its own initiative to provide the Secretary of State with a report.<sup>70</sup> Alternatively, the Secretary of State may request a report from Ofcom, in which case we must prepare one as soon as practicable.<sup>71</sup>
- A2.11 Ofcom's report must include our assessment, in relation to each radio selection service in question, of—
- a) the number of members of the public using the service;
  - b) the manner in which the service is used by those persons;
  - c) whether the level of use of the service is significant;
  - d) such matters as we consider likely to affect the matters referred to in paragraph (a), (b) or (c).<sup>72</sup>
- A2.12 Ofcom must provide such a report to the Secretary of State and we must also publish it.<sup>73</sup>
- A2.13 Ofcom's role in preparing reports for the Secretary of State is limited to recommendations on the Secretary of State's power to designate RSS. There is no statutory power for Ofcom itself to designate an RSS.
- A2.14 If the Secretary of State exercises their power to designate in a manner which differs from recommendations made in Ofcom's report, the Secretary of State must publish, no later than the time at which the regulations are made, a statement of the reasons for doing so.<sup>74</sup>

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<sup>67</sup> Section 362BB(1) of the Act.

<sup>68</sup> Section 362BB(2) of the Act.

<sup>69</sup> Section 362BC (2)(a) of the Act.

<sup>70</sup> Section 362BC(1) of the Act.

<sup>71</sup> Section 362BC(2) and (3) of the Act.

<sup>72</sup> Section 362BC(4) of the Act.

<sup>73</sup> Section 362BC(5) of the Act.

<sup>74</sup> Section 362BC(6) of the Act.

## Ofcom's statement of principles and methods

- A2.15 Ofcom must prepare and publish a statement about the principles and methods we will apply in preparing a report to the Secretary of State making recommendations about the exercise of their powers to make designation regulations.
- A2.16 We may revise or replace that statement and must publish the revised or replaced statement.<sup>75</sup>

## List of relevant internet radio services

- A2.17 The new regime requires providers of designated RSS to comply with requirements relating to the provision of "relevant internet radio services". These are internet radio services which are included in a list maintained by Ofcom.
- A2.18 These are the conditions that must be satisfied in order for an internet radio service to be included in the list (and become a relevant internet radio service):
- a) the provider of the service has in place an effective system or process for securing that the service "corresponds" to a UK radio service that is provided by them. An internet radio service corresponds to a UK radio service if (disregarding advertisements) all of the programmes included in the internet radio service are broadcast on the UK radio service at the same time as they are provided by the internet radio service; and
  - b) the provider of an internet radio service has given notice to Ofcom requesting that the service be included in the list.
- A2.19 Providers of UK radio services are not required to make online streams of their services available. Where a provider of a relevant internet radio service decides to cease provision of the online stream, they must notify Ofcom. Ofcom would remove the service from the list and it would accordingly no longer be a relevant internet radio service.<sup>76</sup>

## Effect of designation

- A2.20 Where an RSS is designated, the provider of the DRSS must comply with the new regime. A summary of the requirements applying to DRSS providers is set out below.
- A2.21 First, the provider of a DRSS must take all reasonable steps to secure that users can select relevant internet radio services, and cause them to play, by giving spoken commands.<sup>77</sup>
- A2.22 Second, the provider of a DRSS must take all reasonable steps to secure that, where the DRSS is used as described the previous paragraph, no items are played before the selected internet radio service, and there are no interruptions to the internet radio service. The prohibition on playing items before the selected internet radio service has some exceptions:
- a) a brief identification of the selected internet radio service can be played;

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<sup>75</sup> Section 362BC(8) of the Act.

<sup>76</sup> Section 362BG(5) of the Act. The service may be removed from the list by notice from the provider of the service; and the provider must give notice to Ofcom if they cease to be the provider of the internet radio service or the corresponding UK radio service, or if provision of the internet radio service has ceased.

<sup>77</sup> Section 362BI(1) of the Act.

- b) if the DRSS uses another internet service to cause the selected internet radio service to play, a brief identification of that other internet service can be played; and
- c) one or more advertisements can be played, if the provider of the selected internet radio service agrees.<sup>78</sup>

- A2.23 Third, if the provider of a relevant internet radio service requests the provider of a DRSS to secure that the service employs a particular method as regards that relevant internet radio service, the DRSS provider must take all reasonable steps to secure that method is used when playing the selected internet radio service.<sup>79</sup>
- A2.24 Finally, providers of DRSS are prohibited from charging the providers of relevant internet radio services for doing what DRSS providers are required to do to comply with the requirements described above.<sup>80</sup>
- A2.25 The Act requires Ofcom to issue a code of practice recommending actions that DRSS providers should take when seeking to ensure that they comply with these requirements.<sup>81</sup> Providers of DRSS are also required to draw up and publish a statement about how they intend to comply with the requirements.<sup>82</sup>

## Economic growth duty

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- A2.26 Section 108 of the Deregulation Act 2015 sets out Ofcom's duty to have regard to the desirability of promoting economic growth when exercising its regulatory functions. In order to consider the promotion of economic growth, Ofcom will exercise its regulatory functions in a way that ensures that:
- a) regulatory action is taken only when it is needed; and
  - b) any action taken is proportionate.<sup>83</sup>
- A2.27 The government's statutory guidance on this duty recognises drivers of economic growth to include innovation and competition.

## Public sector equality duty

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- A2.28 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and

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<sup>78</sup> Section 362BI(2) of the Act. Section 362BI(5) provides that these obligation on DRSS providers do not require the provider to override user preferences as to the way in which the DRSS operates.

<sup>79</sup> Section 362BI(3) and (4) of the Act. Section 362BI(5) provides that these obligation on DRSS providers do not require the provider to override user preferences as to the way in which the DRSS operates.

<sup>80</sup> Section 362BI(6) of the Act.

<sup>81</sup> Section 362BK of the Act.

<sup>82</sup> Section 362BJ of the Act.

<sup>83</sup> Section 108(2)(b) of the Deregulation Act 2015.

foster good relations between persons who share specified protected characteristics and persons who do not.

- A2.29 Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

## Welsh language duty

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- A2.30 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language. The standards issued to Ofcom are listed in [Ofcom's compliance notice](#) effective from 25 January 2017.
- A2.31 The Welsh Language Policy Making Standards require Ofcom to assess (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language, when formulating a new policy or reviewing or revising an existing policy.



# A3. Impact assessments

## Impact assessment

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- A3.1 Section 7 of the Communications Act 2003 requires us to carry out and publish an assessment of the envisioned impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom’s activities. Impact assessments help us to understand the policy decisions we have decided to take and why we consider those decisions best fulfil our applicable duties and objectives in the least intrusive way.<sup>84</sup>
- A3.2 The Statement of Principles and Methods is prepared for the purposes of an advisory function where the decision on how the recommendations in our report will be implemented will be taken by the Secretary of State. Having clear and appropriate principles on which we will base our report will ensure that the Secretary of State will have full and appropriate information on which to base their designation decisions.
- A3.3 The impact assessment carried out for this consultation is woven into Section 4 where we have considered the potential impacts of the principles and methods we intend to apply when preparing our report, as well as the impacts of the possible approaches we could take to the matters the Act requires us to consider in our report.
- A3.4 We will carry out a further impact assessment when producing a report of recommendations for the Secretary of State.

## Equality impact assessment

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- A3.5 Section 149 of the Equality Act 2010 (the ‘2010 Act’) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to protected characteristics under the 2010 Act.<sup>85</sup> The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A3.6 Ofcom has separate but complementary duties under Northern Ireland’s equality legislation.<sup>86</sup> This requires Ofcom to screen policies for their impact on equality of opportunity and/or good relations in each of the nine equality categories identified for Northern Ireland.
- A3.7 As set out above, the Statement of Principles and Methods is being prepared in relation to an advisory function. We do not expect the principles and methods we are proposing to have any adverse equality impacts.
- A3.8 We will carry out an equality impact assessment when preparing a report for the Secretary of State.

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<sup>84</sup> Ofcom, [Impact assessment guidance](#), 2023.

<sup>85</sup> These protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

<sup>86</sup> Section 75 of the Northern Ireland Act 1998.

## Welsh language

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- A3.9 The Welsh language has official status in Wales.<sup>87</sup> To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards in relation to the use of Welsh, including the general principle that Welsh should not be treated less favourably than English in Wales.<sup>88</sup> Accordingly, we have considered the potential impact of our review on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language.
- A3.10 We consider that the principles and methods we have proposed would not treat the Welsh language differently to the English language or have any impact on opportunities for persons to use the Welsh language. We will also carry out a Welsh language impact assessment when producing our report for the Secretary of State.

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<sup>87</sup> Section 1(1), Welsh Language (Wales) Measure 2011.

<sup>88</sup> The [Welsh language standards](#) with which Ofcom is required to comply are available on our website.

# A4. Responding to this consultation

## How to respond

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- A4.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 18 March 2024.
- A4.2 You can download a response form on our [web-page](#). You can return this by email or post to the address provided in the response form.
- A4.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [mediaact.part6@ofcom.org.uk](mailto:mediaact.part6@ofcom.org.uk), as an attachment in Microsoft Word format, together with the cover sheet. This email address may not be valid after December 2026.
- A4.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Media Act – Part 6 team  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A4.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- > send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
  - > upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A4.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A4.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A4.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A4.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 7. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom’s proposals would be.
- A4.10 If you want to discuss the issues and questions raised in this consultation, please email [mediaact.part6@ofcom.org.uk](mailto:mediaact.part6@ofcom.org.uk).

## Confidentiality

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- A4.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A4.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A4.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A4.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A4.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

## Next steps

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- A4.16 Following this consultation period, Ofcom plans to publish a statement in the first half of 2025.
- A4.17 Also in 2025, we will consult on a notification process for internet radio services and our Code of Practice relating to these provisions. [Our interactive timetable](#) on our website provides the most up-to-date timings on the different strands of work required to implement Part 6.
- A4.18 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

## Ofcom's consultation processes

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- A4.19 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 5.
- A4.20 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A4.21 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

# A5. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

## Before the consultation

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- A5.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

## During the consultation

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- A5.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A5.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A5.4 When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.
- A5.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A5.6 If we are not able to follow any of these seven principles, we will explain why.

## After the consultation

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- A5.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

# A6. Consultation coversheet

## Basic details

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Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

## Confidentiality

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Please tick below what part of your response you consider is confidential, giving your reasons why

- > Nothing
- > Name/contact details/job title
- > Whole response
- > Organisation
- > Part of the response

If you selected 'Part of the response', please specify which parts:

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes  No

## Declaration

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I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

# A7. Consultation questions

## Our questions

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Please tell us how you came across about this consultation.

- Email from Ofcom
- Saw it on social media
- Found it on Ofcom's website
- Found it on another website
- Heard about it on TV or radio
- Read about it in a newspaper or magazine
- Heard about it at an event
- Somebody told me or shared it with me
- Other (please specify)

### **Consultation Questions:**

Q1. Do you agree with our proposed principles and methods for assessing the number of members of the public using an RSS to listen to internet radio services and the manner in which they use the RSS?

Q2. Do you agree with our proposed principles and methods for assessing whether the level of use of an RSS is significant'?

Q3: Do you agree with our proposed principles and methods for assessing any other additional matters?

Q4. Do you agree with our proposed approach to general principles in our principles and methods statement annex?

### **Supplementary Question:**

We welcome views on the potential sources of data we are considering using in our first report to assess number of users and manner of use.