



## **Better Media – Submission to Ofcom Plan of Work 2026–27**

### **Introduction**

Better Media welcomes the opportunity to respond to Ofcom's Plan of Work for 2026–27. We approach this submission from the perspective that communications infrastructure is not merely an economic or technical system, but a core component of democratic life. Broadcasting and media regulation should therefore be assessed not only in terms of market efficiency, but also in relation to citizen trust, plurality, accessibility, and social cohesion.

Our submission focuses on a small number of specific, time bounded areas where Ofcom's workplan could deliver tangible public value during 2026–27. These proposals are intended to be practical, proportionate, and aligned with Ofcom's statutory duties to further the interests of citizens and consumers, to secure plurality, and to ensure fair and effective markets.

### **Small Scale DAB: Post Award Review and Implementation Assurance**

The award of small-scale DAB licences represents a significant regulatory intervention with long term implications for plurality, local access, and market structure. Now that the application phase has concluded, we believe Ofcom should allocate specific time within its 2026–27 Plan of Work to undertake a structured post award review focused on implementation issues rather than individual licence outcomes.

This review should examine how discretionary elements of the framework have operated in practice, including interpretation of the 40 per cent capacity rule, the use of coverage exemptions, and the handling of surrendered or rescinded licences and decisions around re advertisement.

From a citizen and community media perspective, these issues are not merely administrative. They directly affect whether smaller and non-commercial services can secure meaningful access to digital distribution and whether local plurality is sustained or eroded through regulatory opacity.

We are not seeking disclosure of confidential information. Rather, we recommend that Ofcom publish a short implementation note, or lessons learned review setting out how these discretionary parameters have been applied, the public interest considerations used in decision making, and any

areas where clarification or refinement of guidance may be required. Such an approach would enhance transparency, reduce future disputes, and improve confidence in the regulatory framework.

### **Analogue FM and AM Spectrum: Targeted Review and Low Power Pathways**

Better Media believes that analogue broadcasting continues to serve important public purposes, particularly in terms of resilience, accessibility, affordability, and place based civic communication. We therefore support a targeted review of FM and AM spectrum use that focuses on optimal public value rather than assuming linear migration away from analogue platforms.

Within this context, we encourage Ofcom to consider the feasibility of a clearly defined low power FM pathway, in the region of ten watts, in areas where spectrum capacity exists. This should be approached as a tightly constrained pilot or trial framework, with proportionate licensing and compliance requirements, designed to support genuinely place based civic and community services rather than to create a parallel commercial tier. Such a model could lower barriers to entry, support innovation, and enhance local democratic engagement while remaining consistent with spectrum management and interference safeguards.

Any analogue review should also consider whether current national allocations continue to represent the most effective use of spectrum in terms of public value. For example, a review of BBC Radio Three on FM is long overdue. As a legacy service, the audience for BBC Radio Three is well served with DAB and online systems, and the allocated FM frequencies could be put to better use as additional capacity for local services. The review of analogue radio should also evaluate the spectrum allocations, and bring them into line with more modern practices, so more capacity can be provided for additional local, regional and national FM services by updating the thresholds between services to reflect modern transmitters and receivers. We recognise that final decisions in this area may involve Government and BBC Charter processes. However, Ofcom is well placed to undertake an evidence gathering exercise that examines opportunity costs, resilience considerations, and audience needs, and to publish that analysis to inform wider policy debate.

### **BBC Local Radio, Local Affinity, and Spectrum Opportunity Costs**

Better Media recommends that Ofcom include within its 2026–27 Plan of Work a focused review of the public value and market impacts of BBC Local Radio in England, particularly in the context of any strategic shift from local to more regionalised service models. Ofcom's role is not to direct BBC editorial strategy. However, Ofcom is well placed to assess the wider implications for plurality, local civic communication, and fair access to scarce spectrum resources if the BBC reduces local distinctiveness while continuing to retain local spectrum allocations.

If the BBC wishes to prioritise regional broadcasting, it should be able to do so within the framework of Charter purposes and service licences. However, it would be contrary to citizen and consumer interests if a move away from genuinely local provision resulted in local FM capacity remaining effectively warehoused or under-utilised, thereby inhibiting viable alternatives from community and commercial providers. Ofcom should therefore examine whether existing spectrum allocations remain the most effective use of a finite public resource in public value terms, and what options exist to ensure that spectrum is not unnecessarily locked away from new entrants and locally accountable services.

There may also be an implication for BBC Charter renewal and the long-term legitimacy of the Licence Fee if local audiences lose affinity with BBC Local Radio services, but replacement services are prevented from emerging because spectrum access is constrained by historic allocations rather than current public value. Ofcom's review should therefore address the opportunity costs of continued spectrum occupancy where the associated local service proposition is materially reduced, and should set out practical options to protect plurality and local choice, including pathways that enable alternative providers to deliver meaningful local services where spectrum capacity exists and interference safeguards can be maintained.

### **Ofcom Systems, Open Data, and Democratic Participation**

Effective regulation depends on regulatory systems that are transparent, accessible, and reliable. Better Media has ongoing concerns about the usability and robustness of Ofcom's digital systems for licensing, consultation submissions, and access to regulatory information.

We recommend that Ofcom include within its 2026–27 Plan of Work a commitment to publish a roadmap for modernising its digital and administrative systems. Many licencing processes, for example, are dependent on applicants manually completing repetitive and complicated documents that do not interrelate with other information sources, such as Companies House, Government ID services, the Office of National Statistics, and even internal Ofcom databases. Ofcom's systems should be grounded in open data and open standards principles, with clear expectations around reliability, auditability, and accessibility. Where possible, licensing and spectrum datasets should be made available in structured, reusable formats that allow citizens, researchers, and smaller operators to understand how regulatory resources are allocated and managed, with appropriate tools built-in to provide up to date, granular and time-modelled data.

From a democratic perspective, this is not simply a matter of administrative efficiency. If access to regulatory information and participation mechanisms is difficult or opaque, participation is structurally skewed towards incumbents and specialist intermediaries. Improving systems therefore

directly supports fairness, accountability, and public confidence in regulation. If the ONS can do this, why not Ofcom?

### **Stakeholder Engagement Transparency and Procedural Consistency**

Effective regulation depends not only on robust technical decision-making, but also on the integrity of Ofcom's stakeholder engagement processes. Better Media recommends that Ofcom include within its 2026–27 Plan of Work a commitment to review and strengthen its stakeholder engagement procedures so that they are clear, transparent, and consistently applied. In our view, the current operational inconsistencies in engagement practices are undermining trust in the regulator. When participation routes, meeting practices, or consultation interfaces are perceived as uneven or insufficiently documented, confidence is reduced that regulatory priorities are being shaped through a fair and accountable process.

We therefore ask Ofcom to publish a stakeholder engagement transparency framework during 2026–27. This should set out how Ofcom identifies and engages civic society groups, trade associations, commercial stakeholders, and other organised interest groups, including the principles that govern engagement, the basis on which meetings are granted or declined, and how engagement is recorded and fed into policy and workplan priorities. As a minimum, Ofcom should maintain a public-facing engagement log for relevant policy and market workstreams, describing which organisations it has engaged, when engagement occurred, the general topic area, and the purpose of the engagement, in a way that preserves legitimate confidentiality while enabling public accountability. Ofcom should also set out a consistent approach to how it communicates engagement opportunities to smaller and less-resourced organisations, so that access is not structurally skewed towards well-funded or specialist actors.

### **On-Demand Licensing Systems for Analogue and Digital Radio**

Better Media recommends that Ofcom include within its 2026–27 Plan of Work a commitment to move towards an on-demand licensing model for FM, AM, and digital radio licensing pathways, including small-scale DAB and wider multiplex licensing where relevant (as successfully developed for DSP and C-DSP licences). By “on-demand” we mean a clearer, more continuously accessible application and assessment process, supported by published technical criteria, transparent decision thresholds, and predictable timeframes, rather than reliance on infrequent licensing windows that create avoidable uncertainty and transaction costs for smaller operators. This should not imply a relaxation of interference safeguards or public interest tests. Rather, it is a systems and process reform intended to make legitimate entry routes more navigable, more consistent, and less dependent on incumbency, specialist intermediaries, or opaque procedural timing.

As a practical 2026–27 deliverable, Ofcom should publish an options and implementation plan setting out how on-demand licensing could operate in each band and licensing category, including the constraints that would apply, the datasets and engineering checks that would be required, the circumstances in which applications would be paused due to spectrum scarcity, and the service standards applicants can expect. Where legislative or ministerial decisions are required, Ofcom should explicitly identify those dependencies and set out what preparatory work it will complete within the workplan year to enable timely policy decisions.

### **Competition and Transparency in Transmission Markets**

Better Media remains concerned about the structure and operation of broadcast transmission markets, including issues of pricing opacity, restrictive contractual terms, and limited bargaining power for smaller and community-oriented broadcasters. These conditions can undermine plurality even where formal licensing frameworks appear open.

We recommend that Ofcom treat transmission market transparency as both a competition issue and a plurality issue. Within the 2026–27 workplan, this could take the form of targeted market analysis, information gathering, or publication of aggregated indicators relating to pricing and access conditions, consistent with Ofcom’s statutory powers. Greater transparency would help to ensure that access to distribution is not determined solely by scale or capital strength.

In parallel, Better Media supports an evidence led and phased approach to any future migration towards DAB+ on national and regional multiplexes. We do not advocate abrupt or mandatory change. However, capacity constraints on existing platforms have clear implications for new entrants and community services. Planning for DAB+ should therefore be explicitly linked to plurality, consumer protection, and transitional safeguards, rather than treated solely as a technical efficiency exercise.

### **BBC Complaints, Due Impartiality, and Public Confidence**

Public trust in broadcasting regulation is closely linked to the clarity and accessibility of complaints processes. Better Media shares concerns that the BBC’s internal complaints system remains opaque to many complainants and that escalation to Ofcom is poorly signposted and difficult to navigate.

We recommend that Ofcom include within its Plan of Work a commitment to improve transparency around complaints escalation, including the publication of a clear and accessible map of the process, thresholds for admissibility, and indicative timescales. This would support citizens in understanding how and when Ofcom oversight applies, without undermining the BBC’s primary responsibility for first stage complaints handling.

In addition, we believe Ofcom should do more to clarify how the concept of “due” editorial impartiality is applied in practice. This is not a request for prescriptive editorial control. Rather, clearer operational guidance would improve consistency, predictability, and confidence in complaints assessment, both for audiences and for broadcasters.

We further support the commissioning of independent research into public attitudes to impartiality, trust, and the mitigation of globalised misinformation, with a specific focus on how UK citizens understand fairness and balance in a complex media environment.

### **Guidance on Sex and Identity Following Supreme Court Judgment**

Following the Supreme Court judgment clarifying the legal meaning of sex in UK law, there is a clear need for Ofcom to update its guidance to broadcasters. Current uncertainty risks inconsistent standards, chilling effects on lawful expression, and confusion among audiences.

We recommend that Ofcom include within its 2026–27 workplan a commitment to issue updated guidance that is explicitly tied to relevant Broadcasting Code provisions and to Ofcom’s complaints handling approach. Such guidance should clarify how Ofcom will assess accuracy, due impartiality, and potential harm where sex-based rights and gender identity claims intersect, while remaining within Ofcom’s regulatory remit and avoiding broader equality law commentary beyond what is necessary for broadcast regulation.

### **Summary**

Better Media encourages Ofcom to use its 2026–27 Plan of Work to deliver a small number of defined outputs that have disproportionate impact on plurality, civic participation, and public trust.

In summary, we ask Ofcom to commit to the following deliverables within the 2026–27 period:

- Ofcom should publish, by the end of Q2 2026–27, a Small-Scale DAB implementation assurance note. This should set out how key discretionary parameters have been applied in practice, including interpretation of the 40 per cent capacity rule, the use of coverage exemptions, and the approach taken to surrendered or rescinded licences and any subsequent decisions on re-advertisement. The note should include clear decision principles, a plain-English explanation of the public interest considerations applied, and a short list of any guidance clarifications Ofcom proposes to make, with an indicative timetable.
- Ofcom should initiate, by Q1 2026–27, a targeted evidence-gathering review of FM and AM spectrum use framed explicitly around public value, resilience, accessibility, affordability, and place-based civic communication. By the end of Q3 2026–27, Ofcom should publish an output from this work that sets out practical options for maintaining or improving analogue public value where spectrum constraints permit, including a defined low-power FM pilot pathway in the region of ten watts. The pilot proposal should specify eligibility, technical constraints, compliance proportionality, evaluation criteria, and a clear decision point on whether the pathway should be formalised.

- Ofcom should schedule a defined programme of work to develop an on-demand licensing system across FM, AM and digital licensing pathways, and to publish a stakeholder engagement transparency framework to improve procedural consistency and rebuild public confidence in regulatory accountability.
- Ofcom should publish, by the end of Q2 2026–27, a roadmap for modernising its licensing, consultation, and regulatory information systems. This should include minimum service expectations for reliability and accessibility, and a data publication plan that makes core licensing and spectrum datasets available in structured, reusable formats using open standards, with defined update frequencies and clear documentation so that citizens, researchers, and smaller operators can scrutinise regulatory allocations on equal terms.
- Ofcom should undertake, during 2026–27, a defined programme of work on transparency and fair access in transmission and multiplex carriage markets, treated as a plurality issue as well as a competition issue. At minimum, Ofcom should publish a market transparency output that sets out what information Ofcom will gather, what aggregated indicators it will publish (for example, price ranges and access conditions), and what further regulatory or competition steps Ofcom would consider if barriers to entry and bargaining asymmetries are evidenced.
- Ofcom should publish, by the end of Q3 2026–27, an options paper on any future migration towards DAB+ for national and regional multiplexes that is explicitly linked to plurality outcomes, consumer protection, and transitional safeguards. This should not assume a mandatory or abrupt transition, but it should define the evidence base and decision criteria that would be used to assess impacts on new entrants and smaller operators.
- Ofcom should deliver practical improvements to complaints transparency during 2026–27 by publishing a clear, accessible map of the BBC complaints escalation route, including thresholds for admissibility and indicative timescales. In parallel, Ofcom should publish clearer operational guidance on how “due” impartiality is applied in practice in complaints assessment, supported by worked examples aligned to relevant Broadcasting Code provisions, and commission independent research into public attitudes to impartiality, trust, and the mitigation of globalised misinformation, with publication of findings within the workplan year.
- Ofcom should publish, during 2026–27, updated broadcast guidance following the Supreme Court clarification on the legal meaning of sex, explicitly cross-referenced to the Broadcasting Code and Ofcom’s complaints handling approach. The guidance should clarify how Ofcom will assess accuracy, due impartiality, and potential harm where sexbased rights and gender identity claims intersect, with an emphasis on consistency, predictability, and the avoidance of chilling effects on lawful expression.

Better Media intends to make further detailed submissions to the forthcoming Media Regulation Consultation and the BBC Charter Renewal Green Paper. However, the deliverables set out above are proportionate, time-bounded, and well suited to inclusion within Ofcom’s 2026–27 Plan of Work, and would materially strengthen the regulatory environment for citizen and community democratic media.

Please complete this form in full and return to [planofwork@ofcom.org.uk](mailto:planofwork@ofcom.org.uk)