



GB News's response to Ofcom's Consultation:

Assessing the impact of proposed changes to the BBC's public service activities

- i. GB News welcomes the opportunity to respond to Ofcom's consultation on proposed changes to the guidance underpinning competition regulation of the BBC. GB News recognises that the substantive changes to the BBC Framework Agreement have already been approved by Government and will come into force in June 2026 (six months after its publication on the 16th of December 2025). Our response therefore focuses on ensuring that the procedural guidance accompanying these changes provides robust, transparent and effective protection for fair competition in the UK broadcasting market.
- ii. The changes to the Framework Agreement represent a significant shift in how the BBC's competition impact will be assessed. Under the revised framework, the BBC will in many cases be able to implement material changes to its public services on the basis of its own public interest test (PIT) alone, without independent assessment by Ofcom under their BBC competition assessment (BCA). This places considerably greater weight on the BBC's self-assessment processes and on the procedural safeguards set out in Ofcom's guidance. It is therefore essential that those safeguards are rigorous, specific and consistently applied.
- iii. As we look forward and expect these changes to the regulatory process, we hope our response will be understood alongside Ofcom's statutory obligations under Section 3 of the Communications Act 2003, which require it to further the interests of citizens and consumers by promoting competition, and to encourage investment and innovation in relevant markets. This has been further underlined by the Prime Minister's requirement that UK regulators support growth. As a private sector industry participant, we are aware that miscalculating the potential competitive impact of a BBC change has the potential to cause significant and potentially irreversible harm to the competitive market, with consequential damage to investment, innovation and economic growth. We urge Ofcom to consider the recommendations in our response in tandem with these duties, and the Government's expectation that regulatory decisions should support a thriving and competitive broadcasting sector.

Question 1: Do you agree with our proposals to add guidance on how we will consider the BBC's engagement with stakeholder as a factor in determining whether a competition assessment is required?

GB News supports Ofcom's intention to consider the quality of BBC stakeholder engagement as a factor in determining whether independent competition assessment is required. However, we consider that the proposed guidance is insufficiently rigorous and must be strengthened to provide meaningful protection for commercial broadcasters and other stakeholders.

The proposed guidance at paragraph 4.11 focuses on whether the BBC engaged early, whether it was transparent, and whether it provided sufficient detail. These are necessary conditions, but they are not sufficient. The guidance must also require Ofcom to consider whether stakeholder concerns were substantively addressed or resolved, not merely heard. Without a requirement that unresolved substantive objections carry significant weight, the engagement factor risks becoming a procedural formality that provides no real protection against competitive harm. Such a measure should be in place to protect other market participants.

Proposed paragraph 4.44 states that Ofcom will "speak with stakeholders to understand the engagement they have had with the BBC." GB News welcomes this commitment but considers that the guidance should specify what form this engagement will take. Informal conversations are insufficient; stakeholders must have a structured opportunity to provide input to Ofcom on the adequacy of the BBC's engagement. This is particularly important given that — where Ofcom decides not to conduct an independent assessment — the BBC's PIT consultation will be the only formal opportunity for stakeholders to comment on the BBC's analysis. The stakes of the engagement process are therefore considerably higher under the revised framework. Ofcom should publish guidance on how and when they will engage with stakeholders on the engagement they have had with the BBC. This should immediately follow the BBC's engagement and be presented in a format where all concerns can be fully voiced by competitors and are adequately considered and substantively responded to.

The guidance should also clarify what constitutes "effective" engagement. A requirement that engagement was effective is meaningless without objective criteria against which effectiveness can be measured. The guidance should specify minimum expectations, including minimum consultation periods, minimum levels of detail to be shared with stakeholders, and a requirement that the BBC responds substantively to concerns raised.

GB News proposes that the guidance should:

- (a) Explicitly state that unresolved stakeholder objections relating to competition concerns will be a significant factor favouring independent assessment by Ofcom. Any indication that a BBC change will have an adverse impact on competition should strongly increase the likelihood of an Ofcom competition assessment. Ideally, such an indication would automatically trigger independent assessment.
- (b) Specify minimum procedural standards for BBC engagement, including minimum consultation duration, minimum level of detail to be provided, and a requirement for substantive response to concerns raised by stakeholders.

- (c) Commit Ofcom to a structured and transparent process for gathering stakeholder views on the adequacy of BBC engagement, rather than relying on informal conversations, and commit Ofcom to offering a published and substantive response to the views gathered.

Question 2: Do you agree with our proposals to add guidance on how we will consider the BBC's assessment as a factor in determining whether a competition is required?

GB News believes the proposed approach places excessive reliance on BBC self-assessment and should include stronger safeguards to protect fair and effective competition.

Ofcom acknowledges at proposed paragraph 4.45 that "the BBC has an incentive to reach a positive conclusion from its public interest test." This is a significant admission. The guidance must reflect this inherent conflict of interest by setting a correspondingly high bar for Ofcom to accept BBC analysis without independent verification. The BBC is assessing proposals it wants to implement. However rigorous its methodology, its conclusions warrant independent scrutiny.

Proposed paragraph 4.43 states that Ofcom will consider whether "the standard of the BBC's own work is such that we consider a full assessment would be largely duplicative." We consider this sets the wrong threshold. The question should not be whether the BBC's work is duplicative of what Ofcom would do, but whether it is reliable and without self-interest. A well-constructed analysis could reach self-serving conclusions through selective framing, choice of comparators or assumptions about audience behaviour. Duplication of methodology does not guarantee objectivity of conclusions.

Proposed paragraph 4.46 states that where stakeholders have shared confidential information with Ofcom that they could not share with the BBC, Ofcom will consider whether this information "would have altered the outcome of the analysis." This places an unreasonable burden on stakeholders to demonstrate counterfactual impact, which may be impossible to prove prior to independent assessment. The threshold should be lower: if material confidential information is available to Ofcom that was not provided to the BBC, this should in itself be a factor favouring independent assessment, without requiring proof that it would necessarily have changed the outcome.

GB News proposes that the guidance should:

- (a) Lower the threshold for confidential stakeholder information to trigger independent assessment. Material information unavailable to the BBC should trigger assessment, rather than requiring proof that it would have changed outcomes.
- (b) Require Ofcom to scrutinise BBC conclusions and assumptions, not just methodology. The guidance should make clear that Ofcom will assess whether the BBC's conclusions are supported by the evidence, not merely whether the process was methodologically sound.
- (c) Set out objective criteria for what constitutes "appropriately balanced and robust" analysis, rather than leaving this entirely to case-by-case judgement.

Guidance that enables Ofcom to defer routinely to BBC self-assessment does not adequately protect competition and risks further distorting the market by awarding yet another structural advantage to the publicly funded broadcaster. The BBC is assessing proposals it wants to

implement. However rigorous its methodology, its conclusions warrant scrutiny. Guidance that enables Ofcom to defer routinely to BBC self-assessment does not adequately protect competition. The bar for accepting BBC analysis without verification must be high.

This is especially relevant given the [recent announcement](#) of a new BBC 6 Music service, which some market participants allege have been announced without full knowledge or agreement from industry bodies. On its announcement, Radiocentre expressed their shock that the service had been announced at this stage: “We are currently engaging in the regulatory process regarding a proposed new BBC 6 Music service. This process has not yet concluded so we were surprised to see the planned launch and further details being announced in this way. The BBC is by far the biggest audio provider in the UK, so any expansion is likely to have an impact on competition and should be subject to meaningful consultation with stakeholders.”

Ofcom's oversight of BBC processes must be robust, transparent, consistent and continuous. Stakeholders must be kept fully informed throughout the process. Shortcomings on the BBC's behalf have the potential of considerably negatively impacting other industry players.

Question3: Do you agree with our proposal to add guidance on how we will consider the impact of the scale of a change?

GB News does not agree that the proposed guidance is adequately rigorous or include a quantified analysis of potential harm scenarios. The proposed guidance at paragraph 4.43 suggests that where public value is "large and compelling" and adverse competition effects appear "small and necessary," Ofcom would be more likely not to conduct an assessment. This approach invites subjective judgements without the quantified analysis necessary to ensure consistent and evidence-based decision-making, and leaves too much scope for Ofcom's discretion. It also fails to consider the alternative, i.e. where the adverse effects of a service change on fair and effective competition plainly outweigh any public value case, and again how such an assessment would be made.

Critically, **Ofcom's own impact assessment for this consultation does not quantify or model the potential impacts on commercial broadcasters in scenarios where BBC changes are approved without independent assessment and subsequently cause competitive harm.** This is a significant gap. Ofcom cannot properly assess "scale" without having modelled the consequences of getting it wrong. Assessments of scale cannot be made by intuition. If Ofcom is to decline independent scrutiny on the basis that competition harm is small relative to public value, it must have rigorous quantified analysis to support that judgement — including analysis of what happens if the judgement proves wrong.

The terms "compelling" public value and "small" adverse effects are inherently subjective. Without quantified thresholds, worked examples or objective benchmarks, these terms provide no predictability for stakeholders and risk inconsistent application across different BBC proposals.

Furthermore, competitive harm may not be immediately apparent. A BBC change that appears small in scale at the point of approval may have significant cumulative or delayed effects on commercial competitors, including at points where competitors have only recently launched (or are at the point of launching) similar products or services in the market. The guidance should require Ofcom to consider not just the immediate impacts of a proposed change but also its

medium-term market effects, including cumulative impacts where a series of individually small changes combine to produce significant competitive distortion.

The proposed approach also invites Ofcom to weigh public value and competition harm relative to each other. But these are not directly commensurable. Public value claims are inherently speculative and subjective — they rest on assumptions about future audience behaviour and societal benefit — whereas competition concerns may be supported by concrete market evidence. The guidance should make clear how Ofcom will weigh these qualitatively different considerations against one another.

GB News proposes that the guidance should:

- (a) Require Ofcom to conduct and publish quantified analysis of potential harm scenarios before concluding that independent assessment is unnecessary on grounds of scale.
- (b) Define what constitutes "small" adverse effects and "compelling" public value, with reference to objective criteria or worked examples, to promote consistency and predictability.
- (c) Require consideration of cumulative and medium-term impacts, not just immediate effects.
- (d) Clarify how speculative public value claims will be weighed against evidence-based competition concerns.

Question 4: Do you agree with our proposal to set out in guidance how we will consider a range of factors in determining whether a competition assessment is required for a BBC change?

GB News does not agree that the proposed approach provides sufficient predictability or consistency. Proposed paragraph 4.47 states that Ofcom will consider factors "in the round, on a case-by-case basis" and need not be satisfied on each factor. Whilst we recognise the need for some flexibility, this approach is too discretionary and should be replaced with clearer, more objective criteria.

The proposed approach provides no predictability for stakeholders. Commercial broadcasters cannot anticipate when their concerns will receive independent scrutiny if the decision depends entirely on Ofcom's case-by-case judgement across multiple subjective factors. Regulatory predictability is essential for commercial investment. Broadcasters making long-term decisions about content, technology and market positioning need to understand when and how BBC changes will be scrutinised. Case-by-case works in contradiction to such predictability.

Proposed paragraph 4.47 also states that Ofcom may "consider whether the resources needed to conduct a full assessment are proportionate to the scale of the proposal." Ofcom's internal resource constraints should plainly not be a factor in determining whether competition concerns receive independent scrutiny, not least given the significant effects self-assessment may have on competition. This language must be removed from the guidance. The question of whether a

competition assessment is warranted must be determined by the potential for competitive harm, not by Ofcom's available resources. To allow otherwise would be to subordinate the protection of fair competition to administrative convenience.

The discretionary approach also creates a risk of inconsistency. Without objective criteria, similar BBC changes may receive different treatment depending on the judgement of individual decision-makers or Ofcom's workload at any given time.

GB News proposes that the guidance should:

- (a) Specify objective triggers that will result in independent assessment — for example, unresolved stakeholder objections, proposals affecting markets where concerns have previously been raised, or changes above defined scale thresholds.
- (b) Remove reference to Ofcom's resource constraints as a factor in determining whether to conduct an assessment.
- (c) Provide worked examples illustrating how factors will be weighed, to promote consistency and predictability across decisions.
- (d) Commit to publishing detailed reasoning in all cases where Ofcom decides not to conduct independent assessment, enabling stakeholders to understand how factors were weighed and to hold Ofcom to a consistent standard.

Question 5: Do you agree with our proposal to set out, in light of our new option to not undertake a competition assessment, when we will invite third party comment on our determination?

GB News welcomes Ofcom's commitment at proposed paragraph 4.36 to "always invite third parties to comment before making a determination that the BBC can carry out the proposed change without an Ofcom competition assessment." However, we consider that the proposed approach is too narrow in scope, too late in timing and too short in duration.

The proposed trigger means that stakeholders are invited to comment only after Ofcom has already provisionally concluded that the BBC's PIT is satisfactory. Stakeholders are therefore placed in the position of trying to change Ofcom's mind rather than informing its initial thinking. Stakeholder input should inform Ofcom's decision-making process from the outset, not serve as a retrospective check on a decision already provisionally taken. Ofcom should account for whether stakeholders believe a competition assessment is necessary before this decision is made.

Furthermore, the proposal covers only one scenario — where Ofcom is minded not to conduct any assessment. Stakeholders may also have material views on whether a full BCA is warranted rather than a shorter assessment. There is no equivalent opportunity for stakeholder input on this important choice. The guidance should extend the invitation to comment to all cases where Ofcom is determining the appropriate form of scrutiny, including the choice between a BCA and a shorter assessment.

Proposed paragraph 4.36 states that Ofcom "may" invite third party comment on whether a BBC change is material and what form of assessment may be required. This permissive "may" should be replaced with a commitment to invite comment in all cases involving material changes. Given the fundamental shift in the regulatory framework — under which the BBC can now potentially implement significant changes on the basis of its own assessment alone — stakeholder input should be a required element in all procedural decision-making.

The proposed two-week comment window is inadequate for commercial broadcasters to prepare substantive, evidence-based responses. Two weeks is insufficient for gathering data, conducting analysis and consulting internally. This is particularly problematic in a scenario where Ofcom already believes that independent assessment is unnecessary, meaning stakeholders bear the burden of demonstrating otherwise. The window should be extended to account for the resources that a fully considered response requires from stakeholders who are already facing regulatory conditions that place adverse pressure on their business resources relative to the BBC.

GB News proposes that the guidance should:

- (a) Extend the invitation to comment to all cases where Ofcom is determining the appropriate form of scrutiny, including the choice between a BCA and a shorter assessment, not only where Ofcom is minded not to assess at all.

- (b) Replace the permissive "may invite" with a firm commitment to invite comment in all material change cases.

- (c) Specify a minimum four-week comment period, with provision for extension in complex cases.

Question 6: Do you agree with our proposed revisions to our guidance to clarify when a shorter assessment may be appropriate?

GB News broadly agrees with Ofcom's reasoning that a shorter assessment would be appropriate where most, but not all, aspects of the potential work of a BCA have already been covered by the BBC's PIT, with the remaining aspects to be addressed by a shorter assessment. This is a logical and proportionate approach.

However, we urge Ofcom to ensure that the threshold for determining that the BBC's PIT has "adequately addressed" relevant issues is set appropriately high, consistent with the concerns set out in our response to Question 2 above. The decision between no assessment, a shorter assessment and a full BCA must be guided by the quality and reliability of the BBC's analysis and by the severity of potential competitive harm, not by administrative convenience. It must also respect Ofcom's core mission of promoting healthy and competitive markets.

Question 7: Do you agree with our proposed revision to the guidance in order to clarify the text in light of other changes to our guidance?

GB News agrees that clarifying the guidance text is appropriate in light of the other proposed changes. We have no specific objections to the proposed textual revisions, provided they are read in conjunction with the substantive concerns set out elsewhere in this response.

Question 8: Do you agree with our proposed revisions to the guidance to reflect the change to the Agreement (at Clause 9)?

GB News understands that the substantive changes that removes automatic materiality status of new services has already been approved through the Government's Updated Agreement of the BBC. We have no specific objections to the proposed textual revisions.

Question 9: Do you agree with our proposed revisions to the guidance to reflect the change to the Agreement (at Clause 11)?

We note that Ofcom retains the ability to extend a shorter assessment to a full BCA if issues emerge during the shorter assessment that mean it may be appropriate to determine that the BBC should not carry out the change. We consider this safeguard to be important and would urge Ofcom to apply it proactively wherever emerging evidence suggests that competitive harm may be more significant than initially anticipated. We hope that Ofcom respects their duty to ensuring a competitive market and will make the appropriate decisions to ensure the UK broadcast market remains so. If issues appear during a shorter assessment, we encourage Ofcom to follow this up with a considered and thoughtful assessment of the competitive impact of BBC changes.

GB NEWS LIMITED

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