

**NMA response to Ofcom consultation titled, ‘*Assessing the impact of proposed changes to the BBC’s public service activities: Proposals for changes to our guidance*’**

## **Introduction**

The News Media Association (“**NMA**”) is the voice of UK national, regional, and local news media in all their print and digital forms – a £4 billion sector read by more than 46.4 million adults every month. Our members publish around 900 news media titles, ranging from well-known national and international brands to independent local papers of record, including The Guardian, Financial Times, The Daily Telegraph and the Daily Mirror, to the Manchester Evening News, Kent Messenger, and the Monmouthshire Beacon.

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### **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?**

- 1.** The NMA’s previous engagement with the BBC has led us to conclude that such a requirement should be codified within Ofcom’s framework – namely, service changes undertaken by the BBC, first [announced](#) in October 2022, to expand its online local news provision in England. The level of information shared by the BBC in the run-up to, and after, service changes was less than satisfactory. This included requests for data and insights into understanding the impact of this service change on the increase in traffic the BBC News website and app received, which was met with long delays.
  - 1.1** The guidance needs to ensure that the BBC, as well as ‘effectively’ engaging with stakeholders, should also do so in a ‘meaningful manner’. Greater detail is required on what this translates to, and it should include ongoing and continuous dialogue with commercial counterparts that enables effective change and information exchange. This should include the BBC explaining why it will push through with a service change despite concerns, and why it cannot adopt mitigations which stakeholders have suggested. Failing to ensure engagement is meaningful potentially opens the BBC to view this as a mere box-ticking exercise, e.g., that it can meet with stakeholders once for a brief online meeting and consider that to be sufficient, which would not be the case.
  - 1.2** It is also important that Ofcom should consider whether the BBC has engaged with a relevant party at a stage when input can have a meaningful influence. This will be crucial to preventing the corporation from having an adverse market impact on commercial players. However, what is missing from Ofcom is the remedies it will put in place for when the BBC has failed to engage with stakeholders effectively and if it can prevent a service change from occurring. Could the BBC fail to sufficiently engage with third parties and force through a service change with Ofcom’s approval? This is unclear.

**1.3** Also missing in detail from this section is what constitutes ‘public value’. Because the concept is poorly defined, it provides the BBC with the flexibility to argue that any service change it makes will provide ‘public value’. Ofcom itself has recently [criticised](#) the public value of some of the BBC’s proposed changes. Greater specificity on what constitutes public value is required, as well as a requirement for the BBC to better evidence its such claims in proposals. One crucial component of public value should include, for example, not acting in ways to undermine news plurality in the UK, and acting in meaningful partnership to ensure news plurality in the UK. Therefore, any changes to the competition and regulatory framework of the BBC must be coupled with more precise details of how the BBC’s proposals can provide ‘public value’.

**1.4** It is also recommended that the “*analysis of the potential impact on the market*” must be undertaken by an independent party, and not the BBC itself, to ensure the integrity of Ofcom’s regulatory framework. Otherwise, it gives the appearance that the BBC is marking its own homework.

**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?**

**2.** In that same vein, another shortcoming of the proposed guidance is that of the public interest test (“PIT”) that the BBC must undertake of any proposed service change. As the new guidance being consulted upon notes in paragraph 4.16, the BBC does indeed have an incentive to reach a positive conclusion of its PIT. So, whilst it is welcome that Ofcom will evaluate whether the BBC has been robust in its assessment, the process should be conducted by an independent third party, not the BBC, to ensure its integrity. Previous assessments by the corporation demonstrate this point: Rhodri Talfan Davies, forthcoming Interim Director General, [said](#) that the October 2022 decision to expand local news services would not harm existing media outlets. However, Ofcom now [concedes](#) that the corporation is “*part of the headwinds facing local publishers*” and that there are “*some local areas where BBC viewing is displacing commercial viewing*”. Added to this, Ofcom data has shown that during the same period in which the BBC expanded its local news provision, it saw its number of webpage views increase, whilst commercial news publisher page views declined markedly.<sup>1</sup> This saw the corporation’s share of the local news market [increase](#) to 31%.

**2.1** Additionally, it is recommended that, once the BBC has taken into account concerns and modified its plans accordingly, these are put back to stakeholders who have shared concerns so that they can be reviewed to determine whether concerns have been addressed. If they have not been addressed, an explanation should be given of why, and stakeholders should reserve the right to notify Ofcom if it is not satisfactory. At this point, Ofcom should intervene.

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<sup>1</sup> In 2022, shares of monthly average page views for commercial news publishers sat at 74% and 26% for the BBC. In Q1 2025, shares of monthly average page views for commercial news publishers fell to 62%, whilst it grew to 38% for the BBC. See Figure A3.15, Annexe 3, Ofcom Annual Report on the BBC 2024-2025, 28 November 2025. [https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/bbc/bbc-annual-report/2025/ofcoms-annual-report-on-the-bbc-2024-25\\_annexes-1-4.pdf?v=408372](https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/bbc/bbc-annual-report/2025/ofcoms-annual-report-on-the-bbc-2024-25_annexes-1-4.pdf?v=408372) [accessed 04/02/2026].

**Question 3: Do you agree with our proposal to add guidance on how we will consider the impact of the scale of a change?**

3. Again, the drawback to this proposal is the ambiguity around what constitutes public value. This highlights that wider reforms are needed, as this ambiguity gives the BBC too much scope. Ofcom's determination of what constitutes a "*large and compelling public value case*" (which allows the regulator not to consider a BCA) is equally ambiguous.

3.1 Furthermore, the nature of the media landscape means that players within it are constantly adapting and changing to consumers and their demands and needs, resulting in many incremental changes. Taken in isolation, the impact may appear small. When looked at over a longer period, these changes can represent a significant impact. The BBC also echoes this behaviour. For example, as mentioned, the expansion of the BBC's local news provision, first [announced](#) in October 2022, was a process which several iterative changes between 2023 and 2025. Taken in isolation, these changes may have a minimal impact on the commercial market, but when looked at in the round, they have had a significant impact on the commercial market – as already outlined in response to question two.

3.2 Therefore, whilst Ofcom may view a particular service change to have a "*small and necessary*" impact on competition, it must be viewed holistically and with other changes the BBC has undertaken or plans to undertake to determine whether further action is necessary.

**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?**

4. It is disappointing that Ofcom will only look at whether the BBC has met its expectations across the factors of the proposed guidance, rather than ensuring it has met each factor. The list of factors to consider in the proposed guidance is not extensive, so it would not be unduly burdensome to adhere to each one.

4.1 Furthermore, the resources Ofcom requires to conduct a full assessment should not be a factor in determining when a full assessment is needed. Service changes from the BBC have the potential to adversely affect the ability of some commercial newsrooms to continue operating. News publishers uphold our democracy and ensure the accountability of elected officials and institutions like the BBC; resources should not be a factor given the potential impacts on media plurality and diversity. We are concerned that changes that could have a significant impact on the news market could be allowed to proceed because of constraints on Ofcom's resources. This adds to concerns about how seriously Ofcom takes the BBC's impact on the commercial market.

**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?**

5. It is welcome that Ofcom will invite comments from third parties on its determinations on when not to undertake a competition assessment. This will help news publishers who may be impacted by any proposed service change by the BBC, a means to better equip the regulator with information that is specific to their business. However, the proposed two-week limit is insufficient and would

not be fair to smaller news publishers who likely have fewer resources that can be dedicated to providing a detailed response. Furthermore, if this timeframe were to be held around times of the year when staffing levels fluctuate (i.e., Christmas, school holidays, Easter, etc.), then there is a realistic chance that contributions from news publishers will not be as impactful as they could otherwise be, as it will exacerbate reasons already outlined.

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

6. If Ofcom decides to conduct a short assessment, rather than a full BCA, then this should be conveyed to third parties who have indicated an interest in the assessment ahead of the formal announcement. This will enable interested parties to determine the best course of action for their businesses ahead of any service change.

6.1 Furthermore, Ofcom should also outline its rationale for not conducting a full BCA and publish this online and provide an opportunity to comment, in order to ensure full transparency. This will be important given that such a decision could have great ramifications for the business operations of third parties.

**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?**

7. As mentioned in response to previous questions, the lack of specificity in the proposed guidance gives the BBC too much scope. For instance, what metric is the BBC using to determine whether a proposal gives “*little cause for concern*”, and from what perspective does this come from? For commercial news publishers, any increase in the BBC’s footprint in online news causes significant concern, given the advantages it already has (e.g., licence fee, lack of commercial pressures, no need to carry advertising on websites etc).

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

8. We would caution against the decision not to automatically consider new changes as material. Any changes to the BBC’s online news output should be given serious consideration, given the ramifications on the commercial sector. The new services the BBC adopted following its expansion of online local news, such as new dedicated local online services for Bradford, Wolverhampton, Sunderland and Peterborough, created a significant adverse impact on the commercial sector and they demonstrate that new changes require careful consideration. However, it is clear that the BBC and Ofcom view such changes as being small, merely tinkering at the edges of services they already provide.

8.1 We would not be opposed to the added language that considers the novelty of a change, and if this is material, especially in a commercial context, i.e., dependent on whether the commercial market is already providing this service.

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

9. It is welcome that Ofcom has given itself the ability to adapt its shorter assessments so that it may undertake a BCA if new evidence comes to light that merits this. The decision to do so should be published online, and it should be coupled with an opportunity for third parties to provide views.
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**News Media Association**

March 2026