

Your response

| Question | Your response |
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| Question 1: Please provide us with evidence and information in relation to the impact of BBC Sounds on the UK market. We also welcome stakeholder views, and any supporting analysis, related to the future development of BBC Sounds and the impact that this may have on the wider market. | Confidential? – N |

This submission is on behalf of Better Media, which is a members-based organisation, campaigning for openness and transparency in media policy, pluralism in media ownership, and access to media platforms as a civic right. <https://bettermedia.uk/>

BBC Civil Accountability

While the terms on which the BBC operates are established in UK statute, and are supervised by Ofcom, the opportunity for citizens to engage in any scrutiny and development of BBC services, management and governance, is limited and remote. Better Media notes that any further development of BBC Sounds, which has been identified along with the BBC iPlayer and BBC Online as the primary mode of future development for access to the BBC's media content, must be subject to frequent review using citizen engagement, participation and consultation principles.

Better Media recommends that the BBC should be compelled to use citizen consultation and deliberation principles as part of the BBC's governance and corporate development mechanisms, such as citizen panels and juries, online civic engagement platforms, and deliberative facilitation practices. The aim of these mechanisms is to bring together different views, experiences and opinions in a way that is representative of citizens across the whole of UK society. These deliberation principles must have the primary aim of collating differing views from individual citizens, allowing them to express their opinions and talk about their social needs, as they themselves perceive them, and not as BBC managers perceive them, or as political parties perceive them, or as lobby organisations and management consultants perceive them.

Better Media recommends that civic and social sector organisations, including charities and mutual aid groups, not-for-private-profit groups, cooperatives, and so on, are also actively included in the process of deliberation and co-development. These groups must be invited to assist setting the terms of any civic deliberation in relation to the issues and social problems that citizens may wish to address, in this instance the development of BBC Sounds. This process of deliberation must report regularly and provide updates to stakeholders and the public, both on the process and the outcomes of this engagement. These updates must indicate how the findings of these deliberations will be incorporated into the policy principles and development practices of the BBC.

In addition, Better Media recommends that these consultation processes must demonstrate clear separation between the BBC and competing media organisations, including commercial and corporate interest groups, private lobby groups, and trade associations. All consultation must be undertaken using arms-length and transparent consultation principles, with any professional and corporate lobby groups required to openly report the terms and provisions of their engagement with the BBC, while simultaneously being subject to the aforementioned public and citizen scrutiny process.

Content Accountability

Better Media notes that the BBC lacks civic input into the content commissioning process, the programming editorial process, and the editorial dispute resolution processes. It is Better Media's view that the BBC is overly dependent on top-down, managerialist structures and processes. The BBC's centralised corporate management approach is the primary mechanism for determining the editorial policies and priorities of the BBC across all of its corporate services. These processes are only subject to occasional review by parliament, Ofcom and intermittent judicial enquiries. We note, therefore, that BBC content and editorial policies are not subject to direct and open citizen interrogation, review or discussion. Better Media recommends, therefore, that the BBC must be compelled to establish civic governance processes and mechanisms for the development of editorial content and programming. These engagement process must take place both in-person and online, and must draw widespread and inclusive involvement from citizens and social groups of all types across the United Kingdom.

Alternative Providers

Better Media notes that there is a growing network of independent content producers that are using a wide array of online media platforms to offer alternative and independent audio and media content services. While Ofcom has mentioned large-scale providers of online media services, such as Spotify, we would draw attention to the many individuals and grass-roots collaborative groups who are using social media platforms to offer services outside of the mainstream commercial media ecosystem. We expect Ofcom to note, therefore, that the unchecked growth of BBC Sounds may not just impact on the large-scale and corporately funded media organisations, but that it may have a significant destabilising effect on small-scale and independent content providers who are engaged in independently developing streaming services such as podcasts, live-event streams and interactive events.

Better Media recommends, therefore, that Ofcom commissions research into the likely effect that the expansion of BBC Sounds might have on these emerging alternative service providers. These content providers are not represented by any industry body and most often operate outside of the terms of broadcast regulated media platforms, many using creative commons and open-source models of production and distribution. We recommend that any research commissioned by Ofcom looks at the emergent nature of operators in this sector, and seeks to understand the terms on which they perceive themselves as independent operators, producers and content creators, before seeking to measure the likelihood that they may become economically sustainable in the future. This research can be aligned with the work of NESTA and its modelling of the future economic impact of digital services and platforms.

We note that many emerging online content providers do not fit within established models of media delivery and associated platforms, such as broadcast radio. Instead they utilise hybrid and integrated approaches for engagement that operate across multiple platforms, which foster relationships with audiences as communities. These emerging producers are often entrepreneurial and innovative and operate within the social economy model. We recommend, therefore, that any economic impact assessment is not solely undertaken from the position of established markets, but identifies and projects forward to new economic paradigms based on decentralisation, circular economy, social justice and SROI principles.

Better Media notes that the regulation of the commercial radio sector in the UK, with its high levels of consolidation and centralisation, is drowning-out independent radio providers, and thereby reducing access to locally produced radio content. Ofcom's principles of economic investigation and regulation in relation to BBC Sounds must, therefore, take into account the need for civic and economic plurality in the emerging independent online media sector. The dominance of BBC Sounds, with its narrow editorial model of content and repurposed programming from the BBC broadcast

networks, will inevitably crowd-out innovation from this emerging sector if it is not protected and recognised as a designated alternative model of public media, as has been established for Community Radio.

While it might be argued that the BBC should be given an obligation for BBC Sounds to carry content, or link to content that is independently produced outside of the BBC's structures, Better Media believes that this would amount to an act of corporate colonisation, and would be regressive. The principles for supporting these emergent online content providers must, therefore, be aligned with civic participation principles, media pluralism principles, as well as economic diversity principles. The economic dominance of the BBC, and the international corporate media networks that have become rooted in the media economy in the UK, has the effect of monopolising audiences and suppressing diversity of supply and engagement.

The effect of this monopolisation has been to reduce the viability of emergent alternative producers. Therefore, any public subsidies of content, platform management, and regulatory safeguarding, such as that provided by the Audio Content Fund for example, must be subject to a Social Impact Test in addition to any economic impact tests. Content producers and providers must be expected to demonstrate the Social Value of their products and services, such as that defined in the Social Value Act 2012, if they are to receive regulatory and economic support from government, either directly or indirectly.

News Provision

Fran Unsworth, head of BBC News, has suggested that BBC News Bulletins might transition in the future to on-demand services only. Better Media notes that there is no indication yet from the BBC as to how these news services might be delivered via BBC iPlayer and BBC Sounds. Our concern is that any move away from a universally provided news service would be regressive, and would reduce the ability of citizens to access high quality news and information across all of the BBC broadcast and online platforms. BBC Sounds is marketed largely as a music, drama and content app, with a focus on lifestyle consumerism, and not as a news or deliberation platform. We would caution that any obligation by the BBC to carry universal news services will be further diluted if audiences are encouraged to turn to segregated content applications and platforms.

Our recommendation is that BBC must be obliged to maintain services that are integrated, interoperable, and which are able to provide accessible and objectively produced news and information. The present model that the BBC appears to be developing is a reaction to market segmentation in other parts of the media economy. We believe that this is an example of the BBC following market trends, rather than forming a strong, distinctive public service remit for itself, that the public understands and trusts. The BBC must be empowered to resist the market segmentation of its content provision, and should be provided with regulatory support to maintain the BBC's well-established role as the provider of accountable universal public service broadcasting.

Audience Development Model

As technology and media platforms change, so do the expectations of users and audiences. Better Media notes that Ofcom and the BBC are continuing to use models of audience development, rather than seeking to move to models of user involvement and participation. While the audience development model was reasonably suited to the broadcast media age, it cannot be carried forward to the online and digital services age. Better Media recommends that Ofcom commissions research and innovation testing to establish and demonstrate how the affordances of social media and social networking can be integrated into the structure of the BBC. BBC Sounds could be a good test-case for this enquiry, and could be used to provide open-research and open-platform development frameworks that would encourage innovation and economic renewal as new media producers, agencies and social groups are brought into the media economy, for the benefit of the public. The

BBC once played a leading role in supporting the development of broadcast technology for radio and television when these were emergent systems. Better Media believes that the BBC should be asked to lead on this role once again, by taking a prominent role in the emerging open standards and open information digital media economy.

The BBC, as a publicly funded and accountable organisation must, however, be answerable to citizens for the way that its services are developed and implemented. Better Media therefore recommends that in addition to content regulation and platform regulation, that Ofcom establishes an Office of Data Regulation for the BBC. This office must ensure that the data that the BBC uses and producers, across all of its services, is recognised as a public resource, and that it is safeguarded and protected on the basis of democratic principles of data integrity, open research, open platforms, personal privacy, civic empowerment and open-source engagement.

Better Media recommends that any data that the BBC presently produces, and may produce in the future, is unambiguously made subject to statutory oversight, public scrutiny and civic determination. It is not acceptable for the BBC to run online and data-driven services without public scrutiny. The algorithms and systems that the BBC operates, and intends to develop in the future, must be subject to the same civic scrutiny principles that we have identified for organisation governance and content development. Individuals and groups within society must be able to engage with the BBC and co-develop the policy principles on which data services are developed. The BBC is not a privately owned market competitor, but a public service that must demonstrate transparency and legitimacy in the way data-driven services are developed and applied.

Legacy Services

In addition, the move towards these online services will have an impact on existing and legacy services that the BBC may argue are no longer sustainable. Any planning and modelling of the sustainability of established broadcast services must be undertaken in the light of public scrutiny, and should be subject to review according to the civic engagement principles outlined here. The BBC must not be allowed to remove legacy services without assessing the impact of any changes, communicating with those involved, and supporting and providing those affected with accessible and comparably costed alternatives. For example, and move to close BBC Radio services on AM, and replace them with digital services, must be accompanied with a publicly scrutinised impact assessment. The work of Good Things Foundation provides exemplary data on how these engagement processes may be managed.

Media Capabilities

Given the changes that are indicated above, of which many more might be identified, Better Media recommends that Ofcom reviews the Media Literacy model that it presently operates. We believe that this model is passive and consumerist. In effect it views people simply as consumers and audiences first, and not as active citizens. The media literacy model must therefore be replaced with a media capability model. The primary principles of this model, we believe, must drive access and engagement which expands the opportunities that citizens have to represent themselves, and to share content and stories that are representative of their own lives, and not those that are perceived by corporate producers. The development of BBC Sounds cannot be considered in isolation to other parts of the media ecology. Due consideration must be given, we believe, to participative and civic engagement models of media, such as those practiced in community media networks.

Moreover, Ofcom must make a determination as to the sustainability of the present media literacies model which it uses to inform audience engagement policies within the BBC and other public service media organisations. Better Media believes that this model is no longer fit for purpose. The BBC is using an outdated model of development for BBC Sounds. It is a model that excludes many communities from developing their own voices, and it restricts the ability of communities to

represent themselves in across different media platforms. A change to the media literacies model will enable new research and investigation to come forward that focusses on social development, civic collaboration and social impact, between the BBC and the communities that it serves. BBC Sounds cannot be evaluated in isolation from these wider developments, and so any review by Ofcom, perhaps working in collaboration with NESTA, ought to anticipate these changes and the future directions of development that they indicate. If the BBC is allowed to maintain its present model of development, then we are likely to find that audiences will gravitate to platforms and services that only suite their own individual needs, and which mean that they will lose sight of the benefit of the universal services that the BBC is famed for, as they prioritise community, social and national identities.