



House of Commons  
Culture, Media and Sport  
Committee

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**Draft Media Bill: Radio  
Measures**

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**Twelfth Report of Session 2022–23**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 18 July 2023*

## The Culture, Media and Sport Committee

The Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Culture, Media and Sport and its associated public bodies.

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# 1 Introduction

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## Draft Media Bill

1. The Government published its draft Media Bill<sup>1</sup> on 29 March 2023. The Bill is intended to:

- simplify the remit for Public Service Broadcasters (PSBs) and ensure public service content is easy to find for UK audiences on platforms and connected devices such as smart TVs and streaming sticks;
- keep Channel 4 in public ownership and remove the existing publisher-broadcaster restriction so that the channel can produce and monetise its own content;
- remove geographical broadcasting restrictions on S4C, enabling the channel to offer its content on a range of platforms in the UK and abroad;
- bring Video-on-Demand platforms under stricter regulatory control;
- remove some regulatory burdens from commercial radio stations;
- protect radio's position on voice-activated smart speakers; and
- repeal Section 40 of the Crime and Courts Act 2013 which would (if commenced) require news publishers to pay both sides' costs in any legal proceedings if they were not a member of an approved regulator.<sup>2</sup>

On 19 April 2023, we announced our plans for pre-legislative scrutiny of the draft Bill, with a call for evidence on issues relating to public service broadcasting, Video-on-Demand, radio and general issues the Bill raised.<sup>3</sup>

## Radio

2. Radio is remarkably resilient. From the invention of TV to the growth in streaming services, it has constantly had to wrestle with competing technology and changing audience habits. Yet, despite these challenges, it has maintained its popularity. Some 88 percent of the UK population listen to BBC and commercial radio each week.<sup>4</sup> Commercial radio alone has 39 million listeners<sup>5</sup> and in 2022 generated record advertising revenues of £740 million.<sup>6</sup>

3. But the environment in which radio operates has changed beyond recognition since the last media legislation, the Communication Act 2003, passed 20 years ago.<sup>7</sup> The current regulatory framework for radio was devised even earlier, in the late 1980s and early

1 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#)

2 Secretary of State for Culture, Media and Sport (29 March 2023), [Media Update](#) UIN HCWS685

3 DCMS Committee (19 April 2023), [DCMS Committee launches pre-legislative scrutiny](#)

4 RadioToday (18 May 2023), [RAJAR Q1 2023: Radio is booming according to the latest audience figures](#). Accessed 11 July 2023.

5 Radiocentre [DMB0037](#)

6 RadioToday (10 February 2023), [Commercial radio reports record £740m revenue during 2022 – RadioToday](#). Accessed 10 July 2023. 2022 revenues reached £740 million in 2022, up from £718 million in 2021.

7 [Communications Act 2003](#)

1990s.<sup>8</sup> Meanwhile, recent significant challenges for the industry have emerged rapidly. The proportion of audio listening time accounted for by live radio fell from 75 percent in 2017 to 63 percent in 2022, while the share of music streaming services more than doubled from 8 to 20 percent.<sup>9</sup> Smart speakers have only emerged onto the market over the past few years yet already around a third of homes have access to one. Smart speakers now account for some 14 percent of all radio listening, up from zero in 2016.<sup>10</sup> Just as radio has had to adapt to this new world, so too does the legislation regulating the medium.

## Our work

4. During our inquiry into the draft Bill, the written and oral evidence we received indicated that the measures relating to radio are the most contentious aspects of the legislation. In particular, the evidence highlighted differing views on the provisions in Part 6 of the Bill, designed to ensure UK radio continues to thrive in an environment where stations are increasingly dependent on platforms for access to audiences. The capacity of Parliament, stakeholders and the public to scrutinise these measures has also been curtailed by the absence of a detailed impact assessment on this part of the Bill, which the Government has announced will be published only once the Bill has been introduced.<sup>11</sup>

5. Given the specific concerns about these measures in the Bill, we have opted to report on them at the earliest possible opportunity. We expect that, in making our recommendations at this stage, the Government will use the summer to continue its technical engagement on these measures and address our concerns. We hope that this will enable the Government to include the radio measures in full in the Bill and secure its introduction in the autumn. We intend to report on the remaining provisions in the Bill after the summer.

6. Our conclusions and recommendations have been informed by a range of written submissions, as well as oral evidence from the BBC, the commercial radio industry body Radiocentre, the UK Community Radio Network, the Voice of the Listener and Viewer, techUK, TuneIn, Google, Sky, Amazon, Ofcom, Robert Specterman-Green, Director, Media and Creative Industries at the Department for Culture, Media and Sport (DCMS) and the Government's media minister, Rt. Hon Sir John Whittingdale MP. We thank everyone who contributed to this inquiry including our specialist adviser, Professor Catherine Johnson, Professor in Media & Communication at the University of Huddersfield.

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8 Radiocentre [DMB0037](#)

9 Ofcom (17 August 2022), [Media Nations: UK 2022 p3](#)

10 DCMS (29 June 2023), [Media Bill Overarching Impact Assessment p2](#)

11 DCMS (29 June 2023), [Media Bill Overarching Impact Assessment p1](#)

## 2 Deregulation of commercial radio

7. Analogue (AM/FM) commercial radio services in the UK are regulated under a licensing framework that was developed in the 1990s. Under this framework, regulations require commercial local radio stations to broadcast specific genres of content, target particular age groups and produce a certain amount of programmes from a studio within a station’s coverage area. However, more recently the industry has moved away from individually licensed local and independent stations towards national networks, such as Heart FM, which provide local services. There are now many national and local services available via digital means and so there is a wider variety of stations for listeners to access. The Government committed to deregulation following a consultation in 2017: Part 5 of the draft Media Bill is designed to implement this commitment.<sup>12</sup>

### Impact of deregulation

#### *Music*

8. The draft Bill will enable stations to focus on a narrower duty of providing local news and information rather than providing non-news content as well, such as featuring local music. UK Music expressed concerns about the impact deregulation would have on the music industry, given the airtime that local radio gives to new and upcoming artists. It called on the Government to “scrap this amendment to ensure that music remains a key part of local analogue radio services”.<sup>13</sup> However, Matt Payton, chief executive of Radiocentre, told us that changes in technology meant that there was now a broader range of opportunities for musicians. He told us that, for example, Bauer Media runs Jazz FM despite having no obligation to do so.<sup>14</sup> He argued that:

There will be opportunities. It will be slightly different, because it is not the case where there is scarce spectrum and only a handful of commercial licences plus BBC’s national services, as it was in the old world. There are more opportunities out there. The profile of those stations has changed, but I am confident that talent and cream rises to the top.<sup>15</sup>

#### *Local news*

9. The draft Bill would narrow Ofcom’s existing duties around localness to focus on securing the availability for listeners of local news and information, such as traffic, weather or local events.<sup>16</sup> This reflects the fact that local news in particular is what audiences value most about local radio and that local news on commercial radio reaches audiences which other news providers struggle to reach.<sup>17</sup> The provisions do not require stations to directly employ journalists: a station could alternatively partner with a newspaper, agency or freelance journalist who gathers news in the local area.<sup>18</sup>

12 Department of Digital, Culture, Media and Sport (18 December 2017), [Commercial radio deregulation consultation: Government response](#)

13 UK Music [DMB0032](#)

14 [Q120](#)

15 [Q135](#)

16 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) Clause 38

17 Ofcom ([DMB0027](#))

18 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill: explanatory notes paras 327 and 329](#)

10. The Government committed in 2017 to providing greater legislative clarity on what local news actually meant and stated that it would enable Ofcom to produce guidance in this area.<sup>19</sup> However, while Ofcom welcomed the draft Media Bill’s removal of the need to regulate music formats and the location of where content is produced, it called for clearer guidance, in legislation, regarding its responsibility to enforce provision of locally-gathered news.<sup>20</sup>

**11. Local news and information is what makes many people turn to local radio and we agree that the Government should prioritise this area. However, we are concerned that Ofcom regards its responsibilities as unclear, especially given that the Government committed six years ago to providing greater clarity. We recommend the Government provide Ofcom with clearer guidance regarding enforcement of the obligation on local radio to provide locally-gathered news. This guidance should either be included on the face of the Bill, or published alongside the introduction of the Bill to ensure Parliament is able to scrutinise it appropriately.**

### **Delegated legislation**

12. The Bill proposes giving the Secretary of State the power to make regulations allowing Ofcom to ensure that at least one digital station in any area broadcasts local news and other local content.<sup>21</sup> Currently, while local analogue stations must carry local news and information as a condition of their broadcasting licence, there is no corresponding obligation on digital stations.<sup>22</sup> The Government states that the Secretary of State would only exercise this power following consultation with Ofcom; however, the draft Bill itself does not include a formal requirement to consult.<sup>23</sup> When we queried this with DCMS, it referred us to the original Communications Act 2003 that allows for modified arrangements on local television and community radio licensing, but does not include an express provision to consult either Ofcom or stakeholders before using the powers to modify legislation.<sup>24</sup>

13. Meanwhile, the Secretary of State’s proposed power is drafted very broadly, enabling amendment of “any Act of Parliament”.<sup>25</sup> The Department told us that the drafting was necessary as any new requirements could lead to amendments in the Communications Act 2003, the Broadcasting Act 1990 or the Broadcasting Act 1996.<sup>26</sup> However, a similar issue in the Communications Act 2003 was dealt with by specifying the Acts of Parliament that could be amended, rather than the more sweeping “any” as is currently the case with the draft Media Bill.<sup>27</sup>

**14. DCMS says that its intention is to use the power to make regulations regarding digital radio stations’ localness requirements only in consultation with Ofcom and**

19 Department of Digital, Culture, Media and Sport (18 December 2017), [Commercial radio deregulation consultation: Government response](#) p5

20 Ofcom [DMB0027](#)

21 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) c.38(6), inserting new section 315A of the Communications Act 2003

22 [Communications Act](#) s. 314

23 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill: memorandum](#) para 159

24 Department for Culture, Media and Sport ([DMB0067](#))

25 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) c. 38(6), inserting new section 315A(3) of the Communications Act 2003

26 Department for Culture, Media and Sport ([DMB0067](#))

27 This concerns sections on local digital services and community radio in the [Communications Act](#) 2003, ss. 244 and 262



other stakeholders. We cannot envisage a scenario in which it would be necessary for the Secretary of State to exercise her power without consultation. We also believe the best legislative practice is for the Government's intentions to be clear on the face of the Bill. *We recommend that the proposed power to make regulations regarding localness requirements is amended to require consultation with Ofcom.*

15. The Government has demonstrated a necessity for the power to regulate for localness requirements to be so broad as to include amendment of any Act of Parliament. This power should be restricted to specified Acts in line with similar provisions in the Communications Act 2003. *We recommend that the Bill should specify those Acts of Parliament which would be subject to this power.*

### 3 Radio selection services

16. The rapid growth of smart speakers has led to fundamental changes in how some listeners consume live radio. While the majority (around 70 percent) of audio consumed on smart speakers is live radio, and smart speakers account for only 14 percent of total radio listening, this balance is likely to shift in the future and so stations will become increasingly dependent on platforms to reach audiences.<sup>28</sup> DCMS’s Digital and Audio Review of 2021 warned that platforms could “leverage their market strength” by charging for access, overlaying advertising and promoting their own services or those of favoured third parties.<sup>29</sup> Part 6 of the draft Media Bill is the Government’s legislative response to this issue and aims to protect UK radio’s availability on voice-activated devices.

#### The case for regulation

17. Broadcasters and the tech industry were divided on whether legislation was needed at all. Matt Payton, chief executive of the commercial radio industry body Radiocentre, argued that without legislation there was a risk that platforms would exploit their position as a “digital gatekeeper” by pointing audiences to their own radio-like services, limiting free access to radio or, in the case of commercial radio, inserting their own advertising messages over those stations’ content.<sup>30</sup>

That potentially jeopardises the long-term viability of radio and the value and trusted content that it provides for audiences. That is why we think it is so important that radio remains findable and accessible.<sup>31</sup>

Likewise, Paul Oldfield, Controller, Policy at the BBC told us that the shift in listener behaviour meant regulation was needed:

People are increasingly using smart speakers to access the audio content that they want to listen to. We have seen delivery of radio via IP increasing, and that is now at a quarter of listenership. The move to digital is happening. That is why we think it is so important in the Bill that that new way of listening and the powerful international gatekeepers that exert the control of how people receive those services—the regulation of that and ensuring that our services and the services of community radio and commercial radio colleagues are easily found on those devices.<sup>32</sup>

The Voice of the Listener and Viewer supported the inclusion of radio selection services in the draft Bill and highlighted the fact that stations would not have to pay fees. It saw this as “especially important for democracy” as audiences were unlikely to be aware that online services were not regulated by Ofcom which could cause them to be “vulnerable to the influence of misinformation and disinformation”. It called for the scope of the Bill to be broadened to include on-demand and online-only content provided by UK radio stations.<sup>33</sup>

28 DCMS (29 June 2023), [Media Bill Overarching Impact Assessment](#) p2

29 DCMS (October 2021), [Digital radio and audio review](#) paras 5.3 and 5.19

30 [Q128](#)

31 [Q128](#)

32 [Q127](#)

33 Voice of the Listener & Viewer ([DMB0058](#))

18. However, platforms told us that the case had not been made for legislation and that the Government had failed to fulfil its commitment, set out in its 2022 media White Paper *Up Next*, to consult industry before establishing a new regime.<sup>34</sup> Both Google and techUK called for radio selection services to be removed from the Bill until more consultation had taken place.<sup>35</sup> Lewis Walmesley-Browne, Head of Programme: Market Access and Consumer Tech at techUK, said that non-legislative measures could address the issues, such as a code of conduct or backstop power for Ofcom if it considered that companies were not engaging with stations on “fair, reasonable and non-discriminatory” terms.<sup>36</sup> Likewise, Richard Stern, Chief Executive of TuneIn, said that the market had “largely functioned efficiently up until this point” and therefore more research was needed before the Government decided to legislate:

Before we step in and say that we know better, let’s study it very carefully and make sure that we understand what is working and what is not, and understand, if there is harm, what is the harm that we are trying to address. [...] I have not seen the harm that has come from the growth that we have talked about to this point. Again, consultation has been slight. Maybe that harm has been presented but I think that it would be better to do this transparently and openly.<sup>37</sup>

19. Rosie Johnston-Luff, Google’s Public Policy Manager, told us that the Department was only discovering possible unintended consequences of the Bill after its publication. For example, she argued that the Bill’s ban on platforms interrupting a station’s live feed would also ban any alarm that a listener had chosen to set up as it would interrupt the feed: she said that DCMS had only realised this when Google raised it with them after the Bill had been published.<sup>38</sup> She argued that the Government should “take a breath with this Bill, consult thoroughly, think through the impact and then come back to it”.<sup>39</sup>

20. TuneIn argued that, although techUK had been involved in the Government’s Digital and Audio Review of 2021, no aggregator, or small or medium sized technology company had been included and there had been no consultation on the recommendations.<sup>40</sup>

21. We also heard concerns about the potential impact of regulation on innovation. Alistair Law, Director of Policy at Sky, told us that the legislation would probably mean that Sky would not develop its voice-activated services further “if it meant that it brought us into a huge level of regulation for something that audiences value, but it is not the core and primary reason why they sign up to a Sky Glass TV in the first place”.<sup>41</sup> Likewise, Lewis Walmesley-Browne, Head of Programme: Market Access and Consumer Tech at techUK argued that regulation risked damaging innovation if companies, once they met a certain threshold of providing radio services, had “this big burden to comply with. We think that that is ultimately bad for consumers”.<sup>42</sup>

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34 Department for Digital, Culture, Media and Sport (29 April 2022), [White Paper: Up Next - the Government’s vision for the broadcasting sector](#) para 5.5

35 [Q160](#)

36 [Q274](#)

37 [Q248](#)

38 [Q256](#)

39 [Q246](#)

40 TuneIn ([DMB0048](#)) (13 July 2023), [letter to the CMS Committee](#)

41 [Q222](#)

42 [Q251](#)

22. The Minister told us that the Bill’s radio provisions “did not appear out of thin air” and were the result of the Department’s Digital Radio and Audio Review:

Not only was that a lengthy discussion with representatives of the radio sector, but I know techUK was involved as well. The outcome of the review, which was recommendations that there should be protection for radio broadcasters on whatever devices are used, voice-activated devices, was agreed by all the participants in that, including techUK.<sup>43</sup>

He argued that the regulations did not require the sector to do anything that it was not already doing:

If it continues what it is doing now, it is fine. It is a preventive measure to stop it, for instance, suddenly imposing its own advertising instead of that which the broadcaster has agreed to broadcast, or to make it impossible to find. These are protective measures to ensure that radio is protected and accessible going forward. If it continues doing what it is doing now, there is not a problem.<sup>44</sup>

23. On 29 June DCMS published detailed impact assessments on all Parts of the Bill except Part 6 on radio selection services.<sup>45</sup> The Department explained the delay by stating that it was “currently undertaking technical engagement prior to finalising the policy”.<sup>46</sup> In the meantime, it has used research published by Radiocentre, which represents commercial radio stations, as its evidence base.<sup>47</sup>

**24. The radio industry has legitimate concerns about the potential for larger platforms to control access to stations and drive audiences elsewhere. While listening to radio still makes up the majority of audio consumed over smart speakers, and smart speakers only account for 14 percent of total radio listening, the balance of power is likely to move away from stations and towards platforms over time. This shift presents a risk to the radio industry, which the Government needs to address if the industry is to continue to thrive in the long-term. *We strongly support the inclusion of provisions on radio in the Media Bill, and recommend the Government includes the Bill, with these measures, in the legislative programme for the next session of this Parliament.***

**25. The radio industry and platforms raised legitimate concerns about the extent to which the Department for Culture, Media and Sport has examined the implications of the legislation. That the Department did not publish a full impact assessment for the radio selection services provisions alongside those for other Parts of the Bill has made it more difficult for us, and those directly affected by the Bill, to consider the impact it will have. While we support the overall aims and provisions of the Bill, we recognise that they are a step-change for the sector and it is vital that the Government engages with platforms and other technology stakeholders significantly and at pace to get the detail right. *We urge the Government to pursue its technical engagement with stakeholders with the utmost urgency and to provide an update on progress to us when the House returns in September.***

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43 [Q401](#)

44 [Q403](#)

45 All impact assessments are available at <https://www.gov.uk/government/publications/draft-media-bill>

46 DCMS (29 June 2023), [Overarching Impact Assessment](#) para 67

47 DCMS (29 June 2023), [Overarching Impact Assessment](#) p1

## Radio selection services

### Definition

26. The draft Bill aims to focus on the voice-activated smart speakers which people are increasingly using to listen to radio. As platforms control the content that is provided in response to a verbal request, they have the potential to limit radio’s ability to reach listeners. DCMS reports that some people have already found that they have been redirected to a platform’s own radio-like services when they have requested access to certain licensed radio stations.<sup>48</sup> The draft Bill therefore aims to ensure radio’s availability on these devices, which it calls ‘radio selection services’.<sup>49</sup>

27. Stakeholders told us they were uncertain which devices would be captured within the scope of the Bill. The BBC stated it was unclear whether the provisions were intended to regulate access to radio on smart TVs as well and argued that the legislation should apply to all devices that could be activated by voice search.<sup>50</sup> Likewise, Radiocentre told us it was unclear whether smart TVs or streaming devices with voice assistant integration would be covered, such as Amazon Firestick or a Roku device with voice activation.<sup>51</sup>

28. [Roku](#) expressed concerns that the current wording could “potentially sweep within scope a wide range of other devices, through which it technically may be possible – albeit difficult – to access internet radio services through a series of voice commands”. It called for the definition to be tightened to exclude devices such as smart TVs and streaming players.<sup>52</sup> [TuneIn](#) highlighted that, if a user interacted with a voice-activated device by other means, such as using a mobile app, “the listener would not be guaranteed the same range of radio stations as they would if they made a request by voice. That is a potentially perverse outcome”.<sup>53</sup>

29. The Minister told us that clarity on the scope of the Bill’s provisions would be developed by DCMS “in due course”.<sup>54</sup>

Regulations are set down laying that out, which will be done by Ofcom subject to further consultation. When you said there has not been enough consultation, this is the beginning of the exercise and there will clearly be further consultation when they work out the details.<sup>55</sup>

### In-car infotainment systems

30. Some witnesses argued that the legislation should include not only voice-activated systems but also non-voice activated in-car infotainment systems.<sup>56</sup> Ofcom reports that 9 percent of people listen to a streaming service via an in-car infotainment system, which rises to 19 percent in the 16–24 year-old age-group.<sup>57</sup> Matt Payton, chief executive

48 DCMS (29 June), [Overarching Impact Assessment](#) para 31

49 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill 362BA](#)

50 BBC ([DMB0049](#))

51 Radiocentre ([DMB0037](#))

52 Roku, Inc ([DMB0059](#))

53 TuneIn Inc ([DMB0048](#))

54 [Q404](#)

55 [Q404](#)

56 [Q410](#)

57 Ofcom (17 August 2022), [Media Nations: UK 2022 \(ofcom.org.uk\)](#) p98

of Radiocentre, argued that the development of connected cars, which have their own connection to the internet, meant that “we are no longer in the world of six pre-set buttons for your favourite radio stations”:<sup>58</sup>

We are in a world of a car infotainment system that controls the whole car environment. Recent model Teslas do not even have a broadcast radio at all. You can stream it through their interface, but the findability of radio, the accessibility of radio, is starting to be challenged in the car quite seriously. I absolutely agree with extending the scope into that space.<sup>59</sup>

However, Rosie Johnston-Luff, Google’s Public Policy Manager, described the possibility of adding infotainment systems to the draft Bill as an example of the legislation’s “potential scope creep”. She told us that the decisions on in-car infotainment systems were made by the car manufacturers:<sup>60</sup>

We make no decisions about the way that [Android Auto] is used. It is just for the car manufacturers to build something on. Anyone can use that tool to make the decisions they want to make about app integration.<sup>61</sup>

31. Robert Specterman-Green, Director of Media and Creative Industries at DCMS told us that the Department wanted to focus on what it thought generated future risk to radio and therefore it was targeting voice-activation.<sup>62</sup> Meanwhile, the Minister argued that, as listeners operated non-voice activated systems, infotainment systems were not within the intended scope of the legislation:

To that extent, [the listener] can choose. This is designed for where the software decides what you will listen to rather than you, almost. If you say, “I want to listen to this”, the software chooses how to deliver that.<sup>63</sup>

### **Delegated powers**

32. The Bill gives the Secretary of State power to amend the definition of a radio selection service. This could enable the inclusion of in-car infotainment systems in the future.<sup>64</sup> Such an amendment would be subject to the affirmative procedure, requiring the regulations to be actively approved by both Houses of Parliament.<sup>65</sup> DCMS stated that this power was “key in ensuring the overall integrity of the new regime and its adaptability for the future”.<sup>66</sup> However, the Secretary of State is not required to consult Ofcom prior to changing the definition. We asked DCMS why this was the case and were told that Ofcom’s new “horizon-scanning” role in the Bill meant that the Government would expect Ofcom to “keep under review” advice on which platforms should be designated. As a result, the Department argued that a specific statutory consultation requirement was not necessary

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58 [Q138](#)

59 [Q138](#)

60 [Q241](#)

61 [Q241](#)

62 [Q412](#)

63 [Q412](#)

64 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) c.42 (inserting new section 362BA(2) and (3) of the Communications Act 2003)

65 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) c.42 (inserting new section 362BA(2) and (3) of the Communications Act 2003)

66 Department for Culture, Media and Sport ([DMB0067](#))

as it would duplicate Ofcom’s existing function.<sup>67</sup>

33. **The future risks to radio are not confined to voice-activated devices. Platforms can make it very hard for car drivers to find radio, simply by self-preferencing their own or others’ content and leaving listeners to swipe through later pages to find their choice. Connected car manufacturers and the providers of in-car systems could choose not to offer broadcast radio at all and can control which apps are available. As a result, we are concerned that the Government may have overestimated the extent to which listeners are easily able to find their preferred stations in in-car systems. *Noting the Government’s current position that in-car infotainment systems should not be included within the scope of the Bill, we recommend that the Government and Ofcom should proactively keep this issue under close review.***

34. **The Secretary of State’s power to amend the definition of a radio selection service is crucial for the future-proofing of the regulatory scheme, including for in-car systems as well as for new and emerging technologies. While we welcome Ofcom’s horizon-scanning role, any use of the power to amend the definition of a radio selection service should be accompanied by clear evidence to inform the decision by the Secretary of State and by Parliament. *We recommend the Government redraft the Secretary of State’s power to amend the definition of a radio selection service to require the Secretary of State to consult Ofcom before issuing regulations.***

## Regulated radio selection services

### Definition

35. The draft Bill aims to regulate only those radio selection services that are “used by a significant number of members of the public in the United Kingdom”, on the basis that only those services “have the capacity to meaningfully affect UK radio stations’ ability to reach their audiences”.<sup>68</sup> Paul Oldfield, Controller, Policy at the BBC, said that it was right that the Bill captured only those platforms that wielded “significant market power”<sup>69</sup>, arguing that new entrants to the market should have a “bit more flexibility to establish and grow their business”.<sup>70</sup> Matt Payton, chief executive of Radiocentre, told us that prescribing “significant” in primary legislation was difficult and that it was “probably appropriate” for Ofcom to recommend what significant means to the Secretary of State.<sup>71</sup>

36. However, Rosie Johnston-Luff, Google’s Public Policy Manager, emphasised the need for clarity in the legislation:

Are we talking about the number of significant users of the voice-activated service—Siri, Alexa, Assistant, which is what the DCMS have said to us in meetings? In which case, the highest use of devices will be laptops and phones rather than smart speakers, which are [a] smaller part of the ecosystem. Is it significant usage of the device; is that in combination with monthly listenership? We are not sure.<sup>72</sup>

67 Department for Culture, Media and Sport (DMB0067). Ofcom’s horizon-scanning role is found at 362BY.

68 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill: explanatory notes](#) p51. The provision is in subsection 362BB(2) of the draft Bill.

69 [Q140](#)

70 [Q141](#)

71 [Q143](#)

72 [Q259](#)

37. She argued that the legislation could unintentionally cover all voice assistance in all devices of significant usage and “we do not have a reassurance of where that starts and ends and the context of what is played”.<sup>73</sup> TuneIn was concerned about the impact of regulation on those platforms which would not be in scope. It argued that any regulation affected the whole market rather than only those that were directly regulated, and so was concerned that those platforms which would not be in scope would be “squeezed out of the market” as access to radio was only guaranteed on “only two (or three) of the major providers of smart speakers”.<sup>74</sup> The Minister told us that defining significance would be a matter for the Secretary of State, on Ofcom’s advice: “to some extent, you will know significant when you see it”.<sup>75</sup>

### Legacy devices

38. Witnesses agreed on the need to address legacy devices, those devices that are no longer supported by manufacturers. Paul Oldfield, Controller, Policy at the BBC told us that he had “some sympathy for a flexible approach on those legacy devices where this will prove difficult for us and the platforms to support our services”.<sup>76</sup> Matt Payton, chief executive of Radiocentre, believed that it should “largely be addressed by the fact that this is about significant radio selection services”.<sup>77</sup> Martin Steers, co-founder of the UK Community Radio Network, argued in favour of having “measures in place so that a device potentially gets added by the Secretary of State but equally if that device then becomes legacy falls out of that designation. As long as those safeguards are there, I cannot see why that would be a problem”.<sup>78</sup> Lewis Walmesley-Browne, Head of Programme: Market Access and Consumer Tech at techUK, told us that “nobody wants to be legally required to go in and re-engineer older products”.<sup>79</sup>

Sometimes the company that manufactured that product is not around anymore. It would not be contentious to include provisions to carve out those older devices. If there was a need for Ofcom to have a view on what was appropriate to keep in and take out, that would be appropriate.<sup>80</sup>

**39. There is broad agreement between platforms and broadcasters on the need for provision in the Bill to ensure legacy devices can be exempted from requirements on radio selection services. We believe that allowing Ofcom to exempt some previously-designated devices on legacy grounds would address this issue. We recommend the Bill be amended to enable Ofcom to de-designate legacy devices so that they are no longer subject to the provisions.**

### Delegated powers

40. The Secretary of State is required to consult Ofcom before she can either designate a radio selection service or specify a description of it.<sup>81</sup> If her decision differs materially

73 [Q239](#)

74 TuneIn ([DMB0048](#)) (13 July 2023), [letter to the CMS Committee](#)

75 [Q406](#)

76 [Q154](#)

77 [Q155](#)

78 [Q155](#)

79 [Q252](#)

80 [Q252](#)

81 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) 362BB



from Ofcom’s recommendations, she must publish her reasons, but she is free to reject the regulator’s view.<sup>82</sup> The regulations would be subject to the negative procedure, which means that they would become law unless a motion to reject was agreed by either House within 40 sitting days. The Government argues that the negative procedure is appropriate as the Bill contains “sufficient detail” to indicate which radio selection services would be within scope and that Ofcom is “extensively involved”.<sup>83</sup> We queried this with DCMS as it suggests that Ofcom’s involvement is a substitute for parliamentary scrutiny. However, the Department argued that any designation by the Secretary of State was “akin to a regulatory decision” and therefore the negative procedure was appropriate.<sup>84</sup>

41. The Bill also allows the Secretary of State to add to or otherwise amend the condition that a “significant” number of users in the UK must use the radio selection service before it can be designated.<sup>85</sup> Regulations would be subject to the affirmative procedure, requiring them to be actively approved by both Houses of Parliament. The Government’s Delegated Powers Memorandum justifies this power on the grounds that it is necessary to ensure that the regulation of radio selection services remains effective as technology develops, which would not be possible if the conditions for designation were fixed on the face of the Bill.<sup>86</sup> However, there is no requirement for the Secretary of State to consult Ofcom prior to amendment. We queried this with the Department and were told that Ofcom and other relevant stakeholders would be involved in any changes to the regime. The Department pointed again to Ofcom’s horizon-scanning function where it will be expected to keep under review which platforms should be designated. Therefore, the Department argued, there was no need to have an additional requirement to trigger a specific review or report or to require a consultation.<sup>87</sup>

**42. We acknowledge the Government’s preference to avoid putting in primary legislation a number specifying what a “significant” number of users is and what “used by” means. In order to adapt to reflect changes in technology and audience habits, we believe that these terms may be best judged by Ofcom under delegated powers. Accordingly, we welcome Ofcom’s role in informing the regulations designating or specifying radio selection services and the duty on the Secretary of State to give reasons if her regulations differ materially from Ofcom’s recommendations.**

**43. We disagree with the Government’s conclusion that the negative resolution procedure is appropriate for regulations designating a radio selection service or amending its definition. The Bill does not require the Secretary of State to accept Ofcom’s recommendations and allows her to substitute her own. The requirement to give reasons if the regulations differ materially from Ofcom’s recommendations is welcome but will be a token gesture if those reasons are not subject to scrutiny before the secondary legislation comes into force. *We recommend regulations that designate and specify descriptions of radio selection services are subject to the affirmative procedure.***

**44. The Department told us that it intended to consult Ofcom and other stakeholders before changing the statutory conditions for designating a radio selection service but this does not appear in the Bill. If the Government intends to carry out consultation**

82 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) c.42, new section 362BC CA 2003

83 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill: memorandum](#) para 179

84 Department for Culture, Media and Sport ([DMB0067](#))

85 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) c. 42, new section 362BB(6) CA 2003

86 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill: memorandum](#) para 181

87 Department for Culture, Media and Sport ([DMB0067](#))

with Ofcom and other stakeholders before exercising a power to make secondary legislation, that intention should be reflected in the content of the Bill. *We recommend that consultation with Ofcom and industry stakeholders prior to the Secretary of State exerting the powers provided in the draft Media Bill to make secondary legislation on the designation of radio selection services be made a prima facie statutory requirement in the Media Bill.*

## Internet radio services

### Definition

45. Only those stations defined as an “internet radio service” will benefit from the provisions on regulated radio selection services. These are defined as stations providing online live simulcast of their broadcast radio service and make “reasonable efforts” to use the same advertisements.<sup>88</sup> This means that on-demand and online-only content are not in scope as radio-like services that are only transmitted via the internet are not covered by the legislation.

### On-demand and online only content

46. Some 10 million adults listen to podcasts every week. UK podcast advertising revenue is expected to double to nearly £75 million per year between 2020 and 2024.<sup>89</sup> Of BBC Sounds’ 417 million plays between October and December 2022, 193 million of them were on-demand.<sup>90</sup> Statista estimates that, by 2026, there will be more than 28 million podcast listeners in the UK, up from 19.1 million in 2021.<sup>91</sup> However, on-demand content from licenced radio stations<sup>92</sup> will not be covered by the Bill and nor will any of their online-only stations, such as Radio 1 Dance.

47. Matt Payton, chief executive of Radiocentre, argued that the draft Bill needed amending to include this content:

It would mean, for example, you would be able to get the LBC breakfast show with Nick Ferrari, but you would not be able to get, guaranteed, “The News Agents” podcast for example. It would not be guaranteed by the regulations. That is not to say there will not be arrangements in place to ensure that that content is accessible, but we are not sure that in the longer term that will be future-proofed.<sup>93</sup>

Paul Oldfield, Controller, Policy at the BBC, told us that he found it “strange that that is the focus of the Bill on the TV side but completely absent on the audio side”:<sup>94</sup>

88 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill Section 362BF](#)

89 Department for Digital, Culture, Media and Sport (29 April 2022), [White Paper: Up Next - the Government’s vision for the broadcasting sector](#)

90 BBC (2 February 2023) [Live and on-demand listening grows for BBC Radio & BBC Sounds in Quarter 4 2022 - Media Centre](#). Accessed 8 July 2023.

91 Statista (7 February 2022), <https://www.statista.com/forecasts/1147560/podcast-reach-uk>

92 A licenced radio station in the UK is one which has been awarded a broadcasting licence by Ofcom.

93 [Q132](#)

94 [Q134](#)

You are explicitly ruling out internet-only radio stations and that a Bill in this day and age specifically precludes that. Our version of this is we have suggested that you could link to services provided by Ofcom-regulated stations. If you are providing an internet-only station or you are providing on-demand content but you are regulated by Ofcom, you could come in scope of an expanded regime. That is how we think we square the circle on that.<sup>95</sup>

Martin Steers, co-founder of UK Community Radio Network, emphasised that any change should only apply to Ofcom-regulated stations:

One of the stations I run is an internet-only station waiting for our local ssDAB maps to launch or a possible FM licence in the future. While we operate to an Ofcom code, and we operate to best industry practice, that is not the case across internet stations. We have seen internet station start-ups in some areas cause issues with licensed stations particularly in going after their advertisers promising big, unjustifiable listener numbers or unregistered or unvalidated numbers for cheaper advertising. Safeguarding space for Ofcom-licensed, particularly all community radio stations that are licensed, is welcome and something that we passionately defend.<sup>96</sup>

48. However, Lewis Walmesley-Browne, Head of Programme: Market Access and Consumer Tech at techUK argued that including podcast and music-streaming services would be to give “entirely new privileges” to operators of radio stations for non-radio activity:

Traditionally there was limited radio spectrum and that is why it has to be licensed, but podcasting or online music streaming does not work that way. It is not clear why companies that hold radio licences should be given that privilege over other types of entity.<sup>97</sup>

Richard Stern, Chief Executive of TuneIn, told us that including podcast and online-only material would cause significant problems:

We are skating on very thin ice just understanding the streaming radio piece of how this would come together and work effectively. There is also an on-demand component of this. By the way, it is unclear exactly what that means for everyone today too. It takes something that is already complicated and makes it perhaps even unworkable.<sup>98</sup>

49. The Minister told us that the Bill was designed to cover the main stations and the way in which most people chose to access them:<sup>99</sup>

Most people still listen to live radio. There are other means, but at the moment we have not felt it necessary to extend these protections to those

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95 [Q134](#)

96 [Q133](#)

97 [Q260](#)

98 [Q261](#)

99 [Q407](#)

other means. We will see how the market develops. If it becomes clear that people access radio content on demand, which does not take place at the moment, we will need to revisit that.<sup>100</sup>

50. **The Government’s approach to on-demand and online-only content appears at odds with market trends. Listeners are increasingly choosing to access content on-demand or listen to online-only stations and there is merit in including these forms of content provision within the scope of the Bill. We agree that the Government should limit the Bill’s protections to Ofcom-regulated stations. However, we consider that it is possible to extend the provisions to these stations’ on-demand and online-only content without extending such protections to non-Ofcom regulated content producers as well. Limiting this provision would ensure that any extension of this legislation would only benefit those stations that abide by Ofcom broadcasting standards. We recommend the Government amend the Bill to include on-demand and online-only content from Ofcom-regulated broadcasters.**

### Delegated legislation

51. Unlike the definition of a radio selection service, the Bill does not give the Secretary of State the power to amend the definition of an internet radio service. This means that the definition could not be amended in the future to reflect changing audience habits or use of technology, such as a continued increase in listeners accessing on-demand and online-only content.<sup>101</sup>

52. *We recommend that the Bill include an explicit power to amend the definition of an internet radio service. This would enable the current definition, which specifies that only stations providing online live simulcasts of their broadcast radio service and which make “reasonable efforts” to use the same advertisements, to be amended in the future to include other types of content. Such a power should require that any amendment by the Secretary of State is preceded by a report from Ofcom and be subject to the affirmative procedure, requiring it to be actively approved by both Houses of Parliament.*

### Default routes

53. There was a wide range of opinions over the fact that the Bill requires regulated radio selection services to use whichever preferred route a broadcaster chooses for their stations to reach listeners, such as BBC stations being reached via BBC Sounds.<sup>102</sup> Radiocentre argued that the vast majority of radio stations were covered by “only a handful of apps” and therefore regulated radio selection services would only need to onboard a few platforms, most likely BBC Sounds, Global Player, Rayo, Radioplayer and an aggregator such as TuneIn, or no-code integration such as that offered by Amazon’s Radio Skills Kit. It argued that the provision was an “important safeguard against the possibility of a platform like Amazon or Google building their own competing aggregator (or buying a service like TuneIn), and then leveraging their market position to force all radio broadcasters to default to this platform-owned route”. It emphasised that, where the consumer expressed

100 [Q407](#)

101 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) section 362BF

102 Department for Culture, Media and Sport (29 March 2023), [Draft Media Bill](#) section 362BH(3) and (4)

a preference, it did not oppose consumers' preferred routes being used over a broadcaster's preferred route.<sup>103</sup> Paul Oldfield, Controller, Policy at the BBC, told us that allowing broadcasters to choose their route would enable them to access audience data:

Data is such a key currency in the digital landscape, and it is what those platforms trade off, and having the ability to play out through our preferred service means that we then get that data to allow us to improve our services. That is why it is such an important provision that should remain in the Bill, and I agree, I do not think it is disproportionate.<sup>104</sup>

54. However, the manufacturer Masimo Consumer Audio argued that the provision would make the system “overly complex and unmanageable” and create “a series of ‘walled gardens’, viewed by many as anti-competitive”.<sup>105</sup> Rosie Johnston-Luff, Google's Public Policy Manager, told us that it took “about a year” of engineering and tech work on both sides to onboard a player due to the fact that listeners could ask to listen to a station in various ways. For example, she said the fact that a listener could ask for BBC Radio 6 in different ways, such as BBC Radio 6, 6 Music Radio, 6 Music or BBC 6, meant that all of these needed to be coded for every station.<sup>106</sup>

It is not just getting [the preferred route] up and running; it is making sure that as radio stations change their names or as user habits change, we are giving that reliable connection. In the overall package of what we are looking at, again the trouble is that there has not been a market study. We do not know how many radio stations want a different default route. We have no idea so we are not sure how to prepare internally.<sup>107</sup>

55. Lewis Walmesley-Browne, Head of Programme: Market Access and Consumer Tech at techUK, said that the provision gave broadcasters “leverage” as platforms were required to carry their stations and so they could expect platforms to build them a bespoke route:<sup>108</sup>

If I am a station, whether big or small, I can come to the platform to say, “You are legally required to carry my content. I am not required to offer it to you, therefore let's talk about technical specifications, let's talk about what you are going to build for me” and so on. That is the concern on our side.<sup>109</sup>

TuneIn argued that, if the major manufacturers of smart speakers were required to carry live online radio, “then the quid pro quo is that broadcasters should make available their streams to smaller companies who may want to offer online radio on their devices”:<sup>110</sup>

Such an approach would guarantee access for all to online radio on any device (as currently exists in the terrestrial market); encourage innovation; and ensure online radio is ubiquitous.<sup>111</sup>

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103 Radiocentre ([DMB0071](#))

104 [Q153](#)

105 Masimo Consumer Audio ([DMB0065](#))

106 [Q239](#)

107 [Q245](#)

108 [Q244](#)

109 [Q240](#)

110 TuneIn Inc ([DMB0048](#))

111 TuneIn Inc ([DMB0048](#))

However, Matt Payton, chief executive of Radiocentre, objected to the idea of commercial stations having to offer their content:

Forcing radio stations to provide their content across all platforms or all devices is an interference with our freedom to do business and with our intellectual property of our content.<sup>112</sup>

56. DCMS has so far not reported on the cost to platforms of providing broadcasters' preferred routes. However, the Department's overarching impact assessment for the Bill states that the main costs to platforms of the legislation overall are likely to be a partial reversal of the value exchange between radio and smart speakers, the loss of future monetisation opportunities, familiarisation costs and reporting costs to Ofcom.<sup>113</sup> It anticipates that compliance costs are "likely to be minimal given that the platforms have to date - while the value exchange remains in radio's favour, and while the platforms are growing their market share - largely refrained from taking steps to monetise their radio provision."<sup>114</sup> The Department has also confirmed that it plans to "engage further with platforms to better understand the likely scale of these compliance costs and develop estimates if data allows".<sup>115</sup>

**57. The absence of a full impact assessment of the radio provisions makes it difficult to ascertain how burdensome the preferred route provisions will be. However, the evidence we heard suggests that there will be far fewer routes required than platforms are anticipating. Nonetheless we recognise that platforms will not only have to facilitate on-boarding but provide ongoing support as well and we expect these responsibilities, and their associated costs, to be considered when deciding the threshold at which selection services should be designated. *Ofcom should consider the resource implications of providing preferred routes when recommending the threshold at which radio selection services should be designated. The Government should take account of this recommendation in its decision on designation.***

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112 [Q147](#)

113 DCMS (29 June), [Overarching Impact Assessment](#) para 148

114 *ibid*

115 *ibid*

# Conclusions and recommendations

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## Deregulation of commercial radio

1. Local news and information is what makes many people turn to local radio and we agree that the Government should prioritise this area. However, we are concerned that Ofcom regards its responsibilities as unclear, especially given that the Government committed six years ago to providing greater clarity. *We recommend the Government provide Ofcom with clearer guidance regarding enforcement of the obligation on local radio to provide locally-gathered news. This guidance should either be included on the face of the Bill, or published alongside the introduction of the Bill to ensure Parliament is able to scrutinise it appropriately.* (Paragraph 11)
2. DCMS says that its intention is to use the power to make regulations regarding digital radio stations' localness requirements only in consultation with Ofcom and other stakeholders. We cannot envisage a scenario in which it would be necessary for the Secretary of State to exercise her power without consultation. We also believe the best legislative practice is for the Government's intentions to be clear on the face of the Bill. *We recommend that the proposed power to make regulations regarding localness requirements is amended to require consultation with Ofcom.* (Paragraph 14)
3. The Government has demonstrated a necessity for the power to regulate for localness requirements to be so broad as to include amendment of any Act of Parliament. This power should be restricted to specified Acts in line with similar provisions in the Communications Act 2003. We recommend that the Bill should specify those Acts of Parliament which would be subject to this power. *We recommend that the Bill should specify those Acts of Parliament which would be subject to this power.* (Paragraph 15)

## Radio selection services

4. The radio industry has legitimate concerns about the potential for larger platforms to control access to stations and drive audiences elsewhere. While listening to radio still makes up the majority of audio consumed over smart speakers, and smart speakers only account for 14 percent of total radio listening, the balance of power is likely to move away from stations and towards platforms over time. This shift presents a risk to the radio industry, which the Government needs to address if the industry is to continue to thrive in the long-term. *We strongly support the inclusion of provisions on radio in the Media Bill, and recommend the Government includes the Bill, with these measures, in the legislative programme for the next session of this Parliament.* (Paragraph 24)
5. The radio industry and platforms raised legitimate concerns about the extent to which the Department for Culture, Media and Sport has examined the implications of the legislation. That the Department did not publish a full impact assessment for the radio selection services provisions alongside those for other Parts of the Bill has made it more difficult for us, and those directly affected by the Bill, to consider the impact it will have. While we support the overall aims and provisions of the Bill, we recognise that they are a step-change for the sector and it is vital that the Government

engages with platforms and other technology stakeholders significantly and at pace to get the detail right. *We urge the Government to pursue its technical engagement with stakeholders with the utmost urgency and to provide an update on progress to us when the House returns in September. We urge the Government to pursue its technical engagement with stakeholders with the utmost urgency and to provide an update on progress to us when the House returns in September.* (Paragraph 25)

6. The future risks to radio are not confined to voice-activated devices. Platforms can make it very hard for car drivers to find radio, simply by self-preferencing their own or others' content and leaving listeners to swipe through later pages to find their choice. Connected car manufacturers and the providers of in-car systems could choose not to offer broadcast radio at all and can control which apps are available. As a result, we are concerned that the Government may have overestimated the extent to which listeners are easily able to find their preferred stations in in-car systems. *Noting the Government's current position that in-car infotainment systems should not be included within the scope of the Bill, we recommend that the Government and Ofcom should proactively keep this issue under close review. Noting the Government's current position that in-car infotainment systems should not be included within the scope of the Bill, we recommend that the Government and Ofcom should proactively keep this issue under close review.* (Paragraph 33)
7. The Secretary of State's power to amend the definition of a radio selection service is crucial for the future-proofing of the regulatory scheme, including for in-car systems as well as for new and emerging technologies. While we welcome Ofcom's horizon-scanning role, any use of the power to amend the definition of a radio selection service should be accompanied by clear evidence to inform the decision by the Secretary of State and by Parliament. *We recommend the Government redraft the Secretary of State's power to amend the definition of a radio selection service to require the Secretary of State to consult Ofcom before issuing regulations.* (Paragraph 34)
8. There is broad agreement between platforms and broadcasters on the need for provision in the Bill to ensure legacy devices can be exempted from requirements on radio selection services. We believe that allowing Ofcom to exempt some previously-designated devices on legacy grounds would address this issue. *We recommend the Bill be amended to enable Ofcom to de-designate legacy devices so that they are no longer subject to the provisions.* (Paragraph 39)
9. We acknowledge the Government's preference to avoid putting in primary legislation a number specifying what a "significant" number of users is and what "used by" means. In order to adapt to reflect changes in technology and audience habits, we believe that these terms may be best judged by Ofcom under delegated powers. Accordingly, we welcome Ofcom's role in informing the regulations designating or specifying radio selection services and the duty on the Secretary of State to give reasons if her regulations differ materially from Ofcom's recommendations. (Paragraph 42)
10. We disagree with the Government's conclusion that the negative resolution procedure is appropriate for regulations designating a radio selection service or amending its definition. The Bill does not require the Secretary of State to accept Ofcom's recommendations and allows her to substitute her own. The requirement



to give reasons if the regulations differ materially from Ofcom's recommendations is welcome but will be a token gesture if those reasons are not subject to scrutiny before the secondary legislation comes into force. *We recommend regulations that designate and specify descriptions of radio selection services are subject to the affirmative procedure.* (Paragraph 43)

11. The Department told us that it intended to consult Ofcom and other stakeholders before changing the statutory conditions for designating a radio selection service but this does not appear in the Bill. If the Government intends to carry out consultation with Ofcom and other stakeholders before exercising a power to make secondary legislation, that intention should be reflected in the content of the Bill. *We recommend that consultation with Ofcom and industry stakeholders prior to the Secretary of State exerting the powers provided in the draft Media Bill to make secondary legislation on the designation of radio selection services be made a prima facie statutory requirement in the Media Bill.* (Paragraph 44)
12. The Government's approach to on-demand and online-only content appears at odds with market trends. Listeners are increasingly choosing to access content on-demand or listen to online-only stations and there is merit in including these forms of content provision within the scope of the Bill. We agree that the Government should limit the Bill's protections to Ofcom-regulated stations. However, we consider that it is possible to extend the provisions to these stations' on-demand and online-only content without extending such protections to non-Ofcom regulated content producers as well. Limiting this provision would ensure that any extension of this legislation would only benefit those stations that abide by Ofcom broadcasting standards. *We recommend the Government amend the Bill to include on-demand and online-only content from Ofcom-regulated broadcasters.* (Paragraph 50)
13. *We recommend that the Bill include an explicit power to amend the definition of an internet radio service. This would enable the current definition, which specifies that only stations providing online live simulcasts of their broadcast radio service and which make "reasonable efforts" to use the same advertisements, to be amended in the future to include other types of content. Such a power should require that any amendment by the Secretary of State is preceded by a report from Ofcom and be subject to the affirmative procedure, requiring it to be actively approved by both Houses of Parliament.* (Paragraph 52)
14. The absence of a full impact assessment of the radio provisions makes it difficult to ascertain how burdensome the preferred route provisions will be. However, the evidence we heard suggests that there will be far fewer routes required than platforms are anticipating. Nonetheless we recognise that platforms will not only have to facilitate on-boarding but provide ongoing support as well and we expect these responsibilities, and their associated costs, to be considered when deciding the threshold at which selection services should be designated. *Ofcom should consider the resource implications of providing preferred routes when recommending the threshold at which radio selection services should be designated. The Government should take account of this recommendation in its decision on designation.* (Paragraph 57)

# Formal minutes

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**Tuesday 18 July 2023**

## **Members present:**

Dame Caroline Dinenage, in the Chair

Kevin Brennan

Clive Efford

Rt Hon Damian Green

Dr Rupa Huq

Simon Jupp

John Nicolson

Jane Stevenson

Giles Watling

Draft Report (*Draft Media Bill: Radio Measures*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 57 read and agreed to.

*Resolved*, That the Report be the Twelfth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

## **Adjournment**

Adjourned till Tuesday 5 September at 9.30 am.

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 6 June 2023

**Magnus Brooke**, Group Director of Strategy, Policy and Regulation, ITV; **Khalid Hayat**, Director of Strategy and Consumer Insight, Channel 4; **Mitchell Simmons**, Vice President, Public Policy & Government Affairs, Public Policy & Government Affairs EMEA, Paramount

[Q1-77](#)

### Tuesday 20 June 2023

**Elin Morris**, Chief Operating Officer, S4C; **John Morrison**, Chairman, MG Alba; **Clare Sumner CBE**, Director, Policy, BBC

[Q78-118](#)

**Paul Oldfield**, Controller, Policy, BBC; **Matt Payton**, Chief Executive, Radiocentre; **Martin Steers**, Co-founder, UK Community Radio Network

[Q119-156](#)

### Tuesday 27 June 2023

**Anna Hatfield**, Public Policy Manager, Amazon; **Benjamin King**, Senior Director of Public Policy UK and Ireland, Netflix; **Alistair Law**, Director of Policy, Sky

[Q157-237](#)

**Rosie Johnston-Luff**, Public Policy Manager, Google; **Richard Stern**, Chief Executive, TuneIn; **Lewis Walmesley-Browne**, Head of programme: Market Access and Consumer Tech, techUK

[Q238-283](#)

### Tuesday 4 July 2023

**Kate Biggs**, Content Policy Director, Ofcom; **Kate Davies**, Public Policy Director, Ofcom; **Colin Browne**, Chair, Voice of the Listener and Viewer

[Q284-355](#)

**Sir John Whittingdale MP**, Minister for Media, Tourism and Creative Industries, Department for Culture, Media and Sport; **Robert Specterman-Green**, Director, Media and Creative Industries, Department for Culture, Media and Sport

[Q356-414](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

DMB numbers are generated by the evidence processing system and so may not be complete.

- 1 All-Party Parliamentary Group on Commercial Radio ([DMB0047](#))
- 2 Antisemitism Policy Trust ([DMB0001](#))
- 3 Arqiva ([DMB0030](#))
- 4 AudioUK ([DMB0033](#))
- 5 Authors' Licensing and Collecting Society ([DMB0055](#))
- 6 BBC ([DMB0070](#))
- 7 BBC ([DMB0049](#))
- 8 BBC; and Radiocentre ([DMB0072](#))
- 9 BBFC ([DMB0004](#))
- 10 Banbury FM Ltd ([DMB0015](#))
- 11 Better Media ([DMB0069](#))
- 12 Better Media ([DMB0002](#))
- 13 British Film Institute ([DMB0063](#))
- 14 Broadcast 2040+ Campaign ([DMB0021](#))
- 15 COBA ([DMB0009](#))
- 16 Channel 4 ([DMB0054](#))
- 17 Cornwall Council ([DMB0012](#))
- 18 DTG ([DMB0035](#))
- 19 Department for Culture, Media and Sport ([DMB0067](#))
- 20 Directors UK ([DMB0034](#))
- 21 Fremantle UK ([DMB0029](#))
- 22 Humanists UK ([DMB0026](#))
- 23 IMPRESS ([DMB0010](#))
- 24 ISBA ([DMB0052](#))
- 25 ITN ([DMB0041](#))
- 26 ITV ([DMB0023](#))
- 27 International Broadcasting Trust (IBT) ([DMB0011](#))
- 28 Kearns MP, Alicia (Member of Parliament for Rutland and Melton, House of Commons) ([DMB0007](#))
- 29 LG Electronics UK ([DMB0039](#))
- 30 Local TV Ltd ([DMB0076](#))
- 31 MG Alba ([DMB0066](#))
- 32 MG Alba ([DMB0040](#))
- 33 Madeley, Mr Gary ([DMB0042](#))

- 34 Masimo Consumer Audio ([DMB0065](#))
- 35 Maxxwave Ltd; and Majority of licensed AM broadcasters (see evidence submission) ([DMB0005](#))
- 36 Motion Picture Association ([DMB0038](#))
- 37 Nation Broadcasting, Sunrise Radio, Panjab Radio, Dee Radio, Tindle Radio, KMFM, Angel Radio, Like Media Group, Star Media, Total Sense Media, Hot Radio, Fun Kids Radio, Switch Radio, Sunrise Radio (Yorkshire), Totally Radio and Your Harrogate ([DMB0075](#))
- 38 Netflix ([DMB0050](#))
- 39 Netgem ([DMB0064](#))
- 40 News Media Association ([DMB0020](#))
- 41 Nile ([DMB0016](#))
- 42 Ofcom ([DMB0027](#))
- 43 PEC team at Cardiff University ([DMB0036](#))
- 44 Pact ([DMB0022](#))
- 45 Paramount ([DMB0043](#))
- 46 Press Recognition Panel ([DMB0014](#))
- 47 RNIB ([DMB0025](#))
- 48 RNID ([DMB0028](#))
- 49 Radiocentre ([DMB0071](#))
- 50 Radiocentre ([DMB0037](#))
- 51 Reset; and Public Interest News Foundation ([DMB0051](#))
- 52 Roku, Inc ([DMB0059](#))
- 53 Rutland and Stamford Sound Community Interest Company ([DMB0006](#))
- 54 S4C ([DMB0073](#))
- 55 S4C ([DMB0031](#))
- 56 Samaritans ([DMB0018](#))
- 57 Sandford St Martin Trust ([DMB0062](#))
- 58 Sky ([DMB0053](#))
- 59 TalkTalk ([DMB0045](#))
- 60 techUK ([DMB0061](#))
- 61 Teledwyr Annibynnol Cymru (TAC) ([DMB0024](#))
- 62 The Local TV Network ([DMB0017](#))
- 63 The Walt Disney Company ([DMB0056](#))
- 64 Together TV (The Community Channel) ([DMB0008](#))
- 65 TuneIn ([DMB0048](#))
- 66 TuneIn ([DMB0074](#))
- 67 UK Coalition for Cultural Diversity ([DMB0019](#))
- 68 UK Community Radio Network ([DMB0046](#))

- 69 UK Music ([DMB0032](#))
- 70 Virgin Media O2 ([DMB0057](#))
- 71 Voice of the Listener & Viewer ([DMB0058](#))
- 72 Warner Bros. Discovery ([DMB0060](#))

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