

Dame Caroline Dinenage  
House of Commons  
London  
SW1A 0AA

Kate Biggs  
Director of Public Policy

Dear Dame Caroline,

15<sup>th</sup> November 2023

### [Draft Media Bill Pre-Legislative Scrutiny](#)

Thank you for sharing your Committee's Pre-Legislative Scrutiny of the Draft Media Bill in advance of publication. As I set out during my appearance in front of the Committee on 4th July, the Media Bill offers necessary reforms to regulation of public service broadcasting, implementing many of the recommendations we set out in our 2021 publication *Small Screen: Big Debate*<sup>i</sup>. We appreciate being able to contribute to your Committee's analysis of the draft legislation and we welcome your findings.

While most of your recommendations on changes to the Bill are for Government, we want to acknowledge the recommendations you have made for Ofcom and set out our planned work in these areas.

You recommend that Ofcom should consider the resource implications of providing preferred routes when recommending the threshold at which radio selection services should be designated. (Paragraph 57 of the radio measures report)

---

We are an evidence-based regulator committed to ensuring our rules are effective and proportionate. We will apply these standards throughout our implementation of the provisions set out in the Media Bill, including in implementing the new radio selection services regime.

When setting up the regulatory regime for radio selection services, we will consult publicly on how we exercise our powers around designation recommendations, as part of which we will engage directly with industry. We will also consult publicly on the development of our code of practice which, alongside our enforcement guidelines, will set out how we will implement this new regulatory framework. Direct engagement with the public and industry, backed by formal information-gathering powers, will ensure we have access to the data and information we need to reach a position on what is appropriate to require of the radio selection services, allowing us to implement an effective and proportionate regime.

You recommend that Ofcom uses our monitoring of home internet access to inform our assessments of the accessibility of public service content on broadcasters' linear channels. (Paragraph 27 of the final report)

---

As a converged regulator, Ofcom can help ensure that different elements of the television and telecoms sectors are working together to continue delivery of a wide range of content, including PSB, to all UK audiences. We actively monitor consumer trends in both sectors and keep under review how they interact. This will be crucial when implementing provisions in the Media Bill, monitoring their effect and ensuring that PSBs continue to deliver for all audiences.

The provisions in the draft Bill acknowledge that, whilst audiences are moving rapidly to online and on-demand delivery of content, linear broadcast TV will remain important to some audiences into the 2030s and beyond. Whilst the draft Bill aims to give PSBs more flexibility in how they deliver their obligations, the Bill is also clear that, together, the broadcasters must continue to meet the needs of all audiences. We know that linear broadcast-only viewers continue to form a part of TV viewership: 5% of adults watched only scheduled TV or programmes they had recorded in Q3 2023. This increased to 16% for those aged 65 and older<sup>ii</sup>. To ensure that they deliver for all audiences, PSBs must ensure that they are delivering for linear broadcast-only audiences.

Our reporting on access to and take up of broadband at home will become an important barometer in assessing the universality of access to public service content. We have a duty to ensure audiences across the UK have access to broadband, for reasons that extend beyond accessing PSB content. 97% of homes are able to get superfast broadband in the UK, while 99% are able to receive a service which meets the specifications set for the broadband 'Universal Service Obligation' (USO). We estimate that of those 97% of premises that are able to take superfast broadband services, around 73% do so<sup>iii</sup>. The Government has stated its ambition to get gigabit-capable-broadband to over 99% of UK households by 2030<sup>iv</sup>.

Although broadband coverage is high and continues to move towards the Government target, we must ensure that those remaining households that cannot, or choose not, to take up digital communications continue to have access to PSB content. We will draw on our Connected Nations reporting on home broadband access and consumer choices around internet when assessing the extent to which PSBs are fulfilling their obligations to meet the needs of different audiences.

The Committee may be interested to note we are currently seeking evidence on the future of TV distribution<sup>v</sup>. We published a document on 17 October 2023, which summarised relevant issues such as demands on national infrastructure, the needs of different demographics both on and offline, in the long term. Our aim is to understand these changes and ensure that, however their TV is delivered, audiences can access content they value into the next decade and beyond. This work will respond to a request by Government on the subject. We plan to publish initial findings in 2024.

We welcome the Committee's scrutiny of the Media Bill to ensure it delivers effective reform of the UK's media regulations. We would be happy to keep the Committee updated on our plans to implement new duties and to also keep members informed on our work on the future of TV as appropriate.

Yours sincerely,

Kate Biggs

---

<sup>i</sup> [Small Screen: Big Debate Ofcom statement](#)

<sup>ii</sup> *Barb; adults (aged 16+) who watched at least 3 consecutive minutes of live or recorded broadcast TV and did not watch any BVoD, SVoD/AVoD or VSP content on any device.*

<sup>iii</sup> [Connected Nations 2022](#)

<sup>iv</sup> [Connected Nations update: Summer 2023](#)

<sup>v</sup> [Call for Evidence: Future of TV Distribution](#)