

Supplementary written evidence submitted by BBC and Radiocentre

**Letter from Paul Oldfield, Controller, Policy, BBC, and Matt Payton, Chief Executive, Radiocentre,
4 July 2023**

Dear Chair,

JOINT BBC AND RADIOCENTRE COMMITTEE EVIDENCE SESSION FOLLOW UP

We were grateful for the opportunity to give evidence to the Committee on 20th June in relation to pre-legislative scrutiny of the draft Media Bill.

We are pleased to see the inclusion of provisions in the Bill to protect access to audio content, demonstrating a commitment to the future of UK radio and audio, and the public benefits it brings. This proposed regulation is both necessary and proportionate. It is narrowly targeted to capture only those platforms with a significant number of radio users, significant market power and the ability to exploit this position in future. It will be world-leading and help to prevent anti-competitive, gatekeeping behaviours that would present a risk to the long-term sustainability of UK radio and audio.

The provisions in the Bill are designed to safeguard continued access to radio, which we believe will be mutually beneficial for radio broadcasters, tech platforms, and – most importantly – listeners.

These measures are backed up by a sound evidence base, as set out in the Digital Radio and Audio Review and associated research. In its [response](#) to the review (April 2022), the Government agreed that the ‘*case has been made for new regulation to protect radio’s long-term position in the context of the rapid growth in the usage of smart speakers.*’ If anything, the accelerated growth of listening on connected devices – currently four years ahead of the 2020 forecast – has only reinforced the urgent need for these interventions.

We are therefore very supportive of the inclusion of these measures to guarantee access to UK radio online and on smart speakers. However, as we explained in our evidence session, we think there are some areas where the Bill could go further.

The two key areas we would like to highlight are the extension of the Bill to protect on-demand and internet only audio, and to protect access to UK audio in cars. The BBC and Radiocentre are aligned on these two important issues, and we think they can be achieved relatively simply. In order to illustrate this, we have worked together to develop suggested amendments to the Bill, which are set out below. These amendments are illustrative, and we would of course be happy to assist in refining them if helpful.

On-demand content and internet only radio

The following drafting (Clause 362BF) would extend the protections in the Bill to on-demand content, and internet only radio services, provided by licensed UK broadcasters.

(1) In this Part, “UK internet radio service” means a service distributed by means of the internet (whether by the provider of the service or another person) which either—

(a) consists in the provision of programmes consisting wholly of sound (together with any ancillary services) with a view to them being made available for reception by members of the

public (within the meaning of section 361); or

(b) is a UK on-demand sound service; and

is provided by the BBC or by a person who holds a licence under Part 3 of the 1990 Act or Part 2 of the 1996 Act.

We have also drafted a definition of UK on-demand sound service which can be added for extra clarity.

“UK on-demand sound service” means a service whose principal purpose is, or whose principal purposes include, the provision of programmes consisting wholly of sound and which has the following characteristics—

(a) its content is aimed mainly at audiences in the United Kingdom;

(b) access to it is on-demand;

(c) there is a person who has editorial responsibility for it; and

(d) it is made available by that person for use by members of the public (whether or not for payment);

In-car

The following drafting (Clause 362BA) will extend the definition of radio selection service to in-car infotainment systems.

362BA Meaning of “radio selection service”

(1) In this Part, “radio selection service” means—

(a) a service provided by means of the internet which enables, or among other things enables, a user of the service to use that service—

(i) to make a selection between UK internet radio services provided by different persons, and

(ii) to cause a selected UK internet radio service to play,

by giving spoken commands that are recorded by equipment connected to the internet; or

(b) an in-car entertainment system. ()*

For these purposes—

(a) “in-car entertainment system” means any equipment designed or adapted for use in a motor vehicle that enables, or among other things enables, a user of the equipment to use it to give instructions to a radio selection service, whether by giving spoken commands that are recorded by the equipment or otherwise;

(b) the person who is to be regarded as the provider of an in-car entertainment system is the person who provides its operating system; and

(c) the provider of an in-car entertainment system is also to be regarded as the provider of

any radio selection service that the provider intends should be capable of responding to instructions given by means of that system.

We have also suggested the following, which will ensure that the protections offered by the Bill will also apply to non-voice-activated in-car systems.

362BH Access to relevant internet radio services

(1) The provider of a regulated radio selection service must, within a reasonable period beginning with the inclusion of a service in the list under section 362BG, secure that users of the service are able to use the service—

(a) to select that relevant internet radio service, and

(b) to cause it to play,

by giving instructions to the service (whether by spoken commands that are recorded by equipment connected to the internet or otherwise).

(2) The provider of a regulated radio selection service must, within a reasonable period beginning with the inclusion of a service in the list under section 362BG, secure that, so far as reasonably possible, the service deals effectively with the instructions of those users who seek to select and cause to play that relevant internet radio station.

(3) Subsection (4) applies if the provider of a relevant internet radio service requests the provider of a regulated radio selection service to secure that the service, when used as described in subsection (1) to select and cause to play the relevant internet radio service, operates in a particular way (for example by using a particular service provided by means of the internet).

(4) Where this subsection applies, the provider of the regulated radio selection service must make all reasonable efforts to secure that the service operates in the way requested.

(5) Subsection (4) does not prevent the provider from causing the radio selection service to operate in a different way if, when it does so, it is operating in a way selected by the person using it.

Please do let us know if you require any further information or clarification.

Yours sincerely,

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