

In Other News: Government to take PSB review powers from Ofcom?

Whilst most media policy watchers were scratching their heads over the new 'Royal' Charter proposed by some newspapers to derail Parliament's Leveson proposals, the Government has announced a **consultation** on Ofcom reform.

This leads to a peculiar situation: Whilst newspaper groups have been **at the barricades** against what they mistakenly see as regulation by politicians, there has been no such shouting by newspapers or broadcasters about what appears to be a much more direct attempt by the government to assert control over the media.

Inform has a good blog on the newspaper's Leveson proposals, but what are we to make of the government's Ofcom proposals? They say they are to 'reduce duplication and unnecessary spending' but they also would have the effect of bringing some aspects of current Public Service Broadcasting (PSB) regulation into direct government discretion, from an independent regulator, without full Parliamentary debate. During an economic crisis there are good arguments for trimming costs and reforming regulation, but they need not, and must not, jeopardise media independence. In comparison with the establishment of a 'recogniser body' for a voluntary regulator, the Ofcom proposals look pretty draconian to me.

Ofcom has a duty to 'maintain and strengthen' public service broadcasting under the Communications Act, and to do so by reviewing it every 5 years or so. These **reviews** can be expensive and Ofcom has already scaled them back. But at a time of change they provide hugely valuable information about audiences' behaviours and needs. Shifting this duty into government would give the government a permanent 'sword of Damocles' over the PSBs which they would be unlikely to use, but which could nonetheless seriously compromise the independence of broadcasters.

"Currently Ofcom is required by the Communications Act 2003 to undertake a review of the Public Service Broadcasting landscape at least once every 5 years. The intention is to change this to being at the discretion of the Secretary of State"

Surely this is something that protectors of media freedom should take a long hard look at.

The consultation also seems to pave the way for abolition of the Communications Consumer Panel and other parts of Ofcom's advisory committee structure.

"We therefore propose to remove many of the requirements in sections 12-21 of the Communications Act 2003, and permit Ofcom, with the consent of the Secretary of State, to establish and maintain such advisory committees or consultation mechanisms as Ofcom thinks best enable it to deliver its key functions."

Whilst the advisory committee structure within Ofcom may seem to some baroque and difficult to understand, it performs a hugely valuable function, as this **book** by my colleagues Peter Lunt and Sonia Livingstone shows. It is hoped that if Ofcom is to reform the structure, it should surely also be asked to ensure that alternative proposals for consumer protection are put in place and adequately resourced. Cuts to public spending and regulatory burden are one thing, but if there is not to be a direct impact on consumer welfare, someone needs to help coordinate information and research on how communications consumers are faring. Consumer harms and threats to the public interest change every week in this sector and regulators need adequate structures to monitor them.

Where does this consultation leave the promised **Communications White Paper**? Anybody's guess.

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