Des Freedman: Four More Years to Wait for Media Plurality

Des Freedman *of Goldsmiths, University of London responds to the Media Plurality Report published today by the House of Lords Communications Committee warning that the current situation in the UK does not reflect adequate plurality and arguing that the under the Report's proposals these would not be addressed for another four years.*

The House of Lords Communications Committee has just published its report into media plurality and few media moguls will be losing much sleep tonight. In its 82 pages, the Committee describes the issue very well – in terms of the need both to provide citizens with a proper range of information and to break up undue concentrations of power – but steps back from taking immediate or decisive action.

In a situation in which three companies control some 70% of daily national newspaper circulation, five companies control 70% of regional circulation and a single news wholesaler provides bulletins for the vast majority of commercial radio stations, pluralism is a problem that needs to be addressed now.

This is especially urgent in the light of the evidence revealed to the Leveson Inquiry which showed how powerful proprietors are able to walk in the back door of Downing Street at regular intervals and to shape the news agenda according to their own ideological preferences.

The Committee's work reflects some of these arguments but, in the end, adopts a largely cautious approach to the problem.

It recommends plurality reviews to take place every four to five years that would assess the overall diversity of news media markets and identify any major plurality concerns. There would also be the possibility of 'transactional reviews' taking place in between the periodic reviews where serious issues arise from a proposed merger or acquisition. The report makes it clear, however, that this should happen only in the most 'extreme circumstances' (para 209) while plurality reviews should be structured in order specifically to *minimise* the likelihood of any transactional reviews.

The report does mention the possibility of forced divestment as a result of organic change and the mere appearance of that word in such a sober document is likely to set some pulses racing. I look forward to articles in the most excitable titles arguing that the House of Lords is calling for the break-up of our most precious institutions of press freedom. It is certainly interesting that the Report considers divestment as a possible option but only where it can be *proved* that it is the most effective means for tackling the specific problem. One can imagine many obstacles – not least legal challenges – that would make this very difficult to achieve.

That there is a mention at all of divestment is a reflection of the concerns that have emerged post-Leveson about the unaccountable use of press power – it is surely a response to phone hacking, to meetings on yachts, to the deals done behind closed doors and to the continuing impact on both political and media culture of proprietorial power. Yet it is not at all clear that these recommendations will make it any easier to deal a decisive blow to the huge political influence exercised, for example, by the Daily Mail and News UK groups. Regulators, after all, already have the ability to judge a transaction as not being in the public interest and are able to rule that a media proprietor is not 'fit and proper' to run a media organisation.

Another reason for the gap between the potential for divestment and the likelihood of this ever happening is due to the Report's insistence on adopting an approach to measuring plurality that is based on a changing menu of metrics that will probably involve availability, consumption and impact. This will make it very difficult to pin down what, in the Report's own words, might constitute 'a severe concern for democracy' (para 214).

The Report addresses at some length proposals from civil society for caps and behavioural obligations to tackle media concentration but dismisses them as both too simplistic (that they rely on a single metric of audience share or of revenue) *and* as overly complicated (in terms of forcing very different kinds of organisations to adhere to specific responsibilities in a fluid market). Yet by insisting that plurality 'cannot be reduced down to a single figure' (para 121), the Report is effectively providing a get-out clause for the biggest providers because, without such certainties, they will otherwise be able to wriggle out of their responsibilities. Thresholds – such as the 20% share of distinct news markets that is then matched by public interest obligations for all news providers with more than a 15% share (as suggested by the Media Reform Coalition) – would provide both clarity and flexibility.

In four years time we can look forward to a plurality review. Before then, we can expect another bid from Rupert Murdoch for full control of BSkyB giving him even more power over the UK media environment. And then there is the small matter of an impending general election where the terms of debate will still be shaped by a small handful of press barons. The British public deserves more than yet another delay in tackling the grip of private media power.

This article gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

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