

# PERSPECTIVE

**Defining the “character of a public service” for use in  
Section 130 of the Broadcasting Act 2009**

A report for the Department for Communications, Energy and Natural  
Resources by Perspective Associates

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## Introduction and methodology

The Department of Communications, Energy and Natural Resources is seeking advice on how to implement the requirement, set out in section 130 of the 2009 Broadcasting Act, for carriage on the multiplex owned and operated by RTE and its network subsidiary 2rn, to be reserved for television programme services that have been designated by the Minister as “having the character of a public service”.

### What is implied by the legislation?

The 2009 Act envisages a number of different kinds of service:

- Services offered by designated public service providers with detailed public service requirements and governed by a public service remit (specifically RTE, TG4) or demonstrably public bodies (specifically the Oireachtas)
- Services offered by non-PSBs but which, by virtue of their existing licences, or their new Television Programme Service Contract, are required to meet the specific public service goals set out in Section 70
- Services that are simply bound by a contract under Section 71 of the Act, which simply requires them to abide by the content standards set out by the BAI

However, any service, beyond those provided by RTE itself, can be carried on the RTE operated multiplex under section 130 of the Act, subject to the relevant provisions.

In the case of the Section 70 licensee, section 130(10) of the Act provides that at the request of the Authority and after consultation with RTÉ, the Minister shall require RTÉ to make provision for the broadcasting of that licensee's services. In the case of a service contracted under section 71 of the Act, in accordance with section 130(1)(a)(iv) the service is eligible for carriage provided that it is deemed by the Minister to have “the character of a public service”.

The nature of the public service characteristics required for these services is currently undefined, and in this paper I attempt to set out what I believe would be the appropriate framework for establishing such characteristics.

To establish a framework, I have found it helpful to consider

- International comparators
- Precedents from the way the law has already been applied in the Irish broadcasting system

Based on this analysis, I have proposed an approach that I believe captures both the latest thinking about public service media, and which is also consistent with the approach already taken by the Irish government to the designation of channels.

## Other comparators

It is important to start by acknowledging that, while there are many definitions of public service broadcasting in existence, none that I have considered are designed to address the specific issue here, notably the appropriate way to judge whether a *non-PSB* service nevertheless displays sufficient public service characteristics to justify it benefiting from access to spectrum otherwise reserved for public service channels – or indeed, access to other public service benefits. The definitions of public service broadcasting typically have two over-riding characteristics:

- First, they specifically refer only to services bound by a public service remit, set and monitored by the state
- And second, they typically refer to outcomes or goals that may be delivered by a range of different services, all bound by the same remit, rather than by a single specific channel

Nevertheless, the various definitions of PSB do offer helpful suggestions of the categories that should be considered for such a framework.

### *Council of Europe*

European legislation leaves the PSB remit to the consideration of member states. The Council of Europe, however, has promoted the definition that has been adopted by, and incorporated within, over-arching recommendations that underpin the European approach. This approach suggests that public service media should aspire to be

- a reference point for all members of the public, offering universal access;
- a factor for social cohesion and integration of all individuals, groups and communities;
- a source of impartial and independent information and comment, and of innovative and varied content which complies with high ethical and quality standards;
- a forum for pluralistic public discussion and a means of promoting broader democratic participation of individuals;
- an active contributor to audio-visual creation and production and greater appreciation and dissemination of the diversity of national and European cultural heritage.<sup>1</sup>

While these goals are clearly aimed at public service media, operating within a specific remit set by member states, they nevertheless give some basic thinking about the categories that can be used to assess character of public service that might be appropriate in this case.

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<sup>1</sup> Recommendation CM/Rec(2007)3 of the Committee of Ministers to member states on the remit of public service media in the information society (Adopted by the Committee of Ministers on 31 January 2007 at the 985th meeting of the Ministers' Deputies)

## UK

There are three different types of PSB in the UK:

- the BBC, publicly owned and publicly funded
- Channel 4, publicly owned but commercially funded
- Channels 3 and 5, privately owned and commercially funded

All three are bound by a public service remit. In the case of the BBC, its remit is set every ten years in its Royal Charter and Agreement (the most recent of which was granted in 2006); Channel 4's remit is set out in statute and was most recently amended by the Digital Economy Act of 2010; while Channels 3 and 5 operate to a statutory remit set out in the Communications Act of 2003.

### BBC

The BBC's remit is based on 6 public purposes, each of which is supported by a set of more specific "purpose remits", set by the BBC Trust, which lay out in more detail the way that the purposes will be achieved:

Sustaining citizenship and civil society	<ul style="list-style-type: none"><li>• provide journalism of the highest quality</li><li>• engage a wide audience in news, current affairs and other topical issues</li><li>• encourage and enable conversation and debate about news, current affairs and topical issues</li><li>• build greater understanding of the parliamentary process and political institutions governing the UK</li><li>• enable audiences to access, understand and interact with different types of media</li></ul>
Promoting education and learning	<ul style="list-style-type: none"><li>• stimulate informal learning across a full range of subjects and issues for all audiences</li><li>• engage audiences in activities targeted to achieve specific outcomes that benefit society</li><li>• promote and support formal educational goals for children and teenagers and support adult education, especially related to essential skills development</li></ul>
Stimulating creativity and cultural excellence	<ul style="list-style-type: none"><li>• provide output that is distinctive and creative across all its platforms</li><li>• ensure enrichment for all audiences by covering a wide range of creative and cultural activities</li><li>• encourage active participation in cultural activities</li><li>• provide a wide range of enjoyable and entertaining content</li><li>• foster creativity and nurture and support UK talent across a wide range of genres</li></ul>
Representing the UK, its nations, regions and communities	<ul style="list-style-type: none"><li>• represent the different nations, regions and communities to the rest of the UK</li></ul>

	<ul style="list-style-type: none"> <li>• cater for the different nations, regions and communities in the UK</li> <li>• bring people together for shared experiences</li> <li>• encourage interest in, and conversation about, local communities</li> <li>• reflect the different religious and other beliefs in the UK</li> <li>• Provide output in minority languages</li> </ul>
Bringing the UK to the world and the world to the UK	<ul style="list-style-type: none"> <li>• build a global understanding of international issues</li> <li>• provide international news broadcasting of the highest quality</li> <li>• enable audiences and individuals to participate in the global debate on significant international issues</li> <li>• enhance UK audiences awareness and understanding of international issues</li> <li>• broaden UK audiences experience of and exposure to different cultures from around the world</li> </ul>
In promoting its other purposes, helping to deliver to the public the benefit of emerging communications technologies and services, and, in addition, taking a leading role in the switchover to digital television	<ul style="list-style-type: none"> <li>• make engaging digital content and services available on a wide range of digital platforms and devices</li> <li>• work with the industry to continue to deliver improvements to the UK-wide distribution of public service content</li> <li>• increase coverage of Digital Audio Broadcasting (DAB)</li> <li>• support Digital UK's communications activity to build awareness of and readiness for digital switchover</li> <li>• work in partnership with other organisations to help all audiences understand and adopt emerging communications technologies and services</li> <li>• support the government's targeted help scheme to help the most vulnerable during digital switchover<sup>2</sup></li> </ul>

#### Channel 4

Channel 4's remit is set out in primary legislation. Although the Channel 4 Corporation offers a range of television channels (More4, Film4, E4) as well as on-line services, it is only the "main channel" that is licensed as a public service. The remit nevertheless acknowledges that the delivery of that remit will be supported by the other digital television and on-demand services, whose contribution must be set out in more detail in the annual Statement of Media Content Policy that the Channel 4 Corporation is required to publish.

The Digital Economy Act describes the remit thus:

<p>C4C must participate in</p> <ul style="list-style-type: none"> <li>(a) the making of a broad range of relevant media content of high quality that, taken as a whole, appeals to the tastes and interests of a culturally diverse society</li> <li>(b) the making of high quality films intended to be shown to the general public at the</li> </ul>
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- cinema in the United Kingdom, and
- (c) the broadcasting and distribution of such content and films.

C4C must, in particular, participate in

- (a) the making of relevant media content that consists of news and current affairs
- (b) the making of relevant media content that appeals to the tastes and interests of older children and young adults
- (c) the broadcasting or distribution by means on electronic communications networks of feature films that reflect cultural activity in the United Kingdom (including third party films), and
- (d) the broadcasting or distribution of relevant media content by means of a range of different types of electronic communications networks

In performing their duties ... C4C must

- (a) promote measures intended to secure that people are well-informed and motivated to participate in society in a variety of ways, and
- (b) contribute towards the fulfilment of public service objectives [as set out in the Communications Act s. 264 – quoted below]

In performing their duties ... C4C must

- (a) support the development of people with creative talent in particular –
  - i. people at the beginning of their careers in relevant media content or films, and
  - ii. people involved in the making of innovative content and films
- (b) support and stimulate well-informed debate on a wide range of issues, including by providing access to information and views from around the world and by challenging established views
- (c) promote alternative views and new perspectives, and
- (d) provide access to material that is intended to inspire people to make changes to their lives.

In performing these duties C4C must have regard to the desirability of

- (a) working with cultural organisations
- (b) encouraging innovation in the means by which relevant media content is broadcast or distributed, and
- (c) promoting access to and awareness of services provided in digital form.<sup>3</sup>

### **Channels 3 and 5**

These channels have less onerous remits, in recognition of the fact that, as privately owned and commercially funded channels, they may need more flexibility to deliver the remit.

The Communications Act of 2003 defines their remit as follows:

The public service remit -

- for every Channel 3 service
- for Channel 5

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2010/24>

is the provision of a range of high quality and diverse programming.<sup>4</sup>

In addition, all licensed public service broadcasters – Channels 3, 4 and 5 – are obliged to contribute to the overall purposes of public service broadcasting, although it is left to them to set out, in their annual statements, precisely what mix of content they will provide:

**6. A manner of fulfilling the purposes of public service television broadcasting in the United Kingdom is compatible with this subsection if it ensures**

- (a) that the relevant television services (taken together) comprise a public service for the dissemination of information and for the provision of education and entertainment;
- (b) that cultural activity in the United Kingdom, and its diversity, are reflected, supported and stimulated by the representation in those services (taken together) of drama, comedy and music, by the inclusion of feature films and those services and by the treatment of other visual and performing arts;
- (c) that those services (taken together) provide, to the extent that is appropriate for facilitating civic understanding and fair and well-informed debate on news and current affairs, a comprehensive and authoritative coverage of news and current affairs in, and in the different parts of, the United Kingdom and from around the world;
- (d) that those services (taken together) satisfy a wide range of different sporting and other leisure interests;
- (e) that those services (taken together) include what appears to Ofcom to be a suitable quantity and range of programmes on educational matters, of programmes of an educational nature and of other programmes of educative value;
- (f) that those services (taken together) include what appears to Ofcom to be a suitable quantity and range of programmes dealing with each of the following, science, religion and other beliefs, social issues, matters of international significance or interest and matters of specialist interest;
- (g) that the programmes included in those services that deal with religion and other beliefs include –
  - (i) programmes providing news and other information about different religions and other beliefs
  - (ii) programmes about the history of different religions and other beliefs;
  - and
  - (iii) programmes showing acts of worship and other ceremonies and practices (including some showing acts of worship and other ceremonies in their entirety);
- (h) that those services (taken together) include what appears to Ofcom to be a suitable quantity and range of high quality and original programmes for children and young people;
- (i) that those services (taken together) include what appears to Ofcom to be a sufficient quality of programmes that reflect the lives and concerns of different communities and cultural interests and traditions within the United Kingdom, and locally in different parts of the United Kingdom;

<sup>4</sup> Communications Act 2003 s.265

- (j) that those services (taken together), so far as they include programmes made in the United Kingdom, include what appears to Ofcom to be an appropriate range and proportion of programmes made outside the M25 area.

Additionally, Ofcom is required to ensure that each of the licensed PSBs broadcasts an adequate amount of original programming (section 278).

### *Ireland*

#### **RTE / TG4**

RTE was formerly governed, like the BBC, by a Charter, but this was superseded by the 2009 Act which sets out, in section 114, the public service broadcaster's principal roles. These are described as follows:

- (2) In pursuit of the objects outlined in subsection (1), RTE shall
- (a) be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Irish language
  - (b) uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, and
  - (c) have regard to the need for the formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of other Members States
- (3) ... RTE shall ensure that the programme schedules of the broadcasting services...
- (a) provide a comprehensive range of programmes in the Irish and English languages that reflect the cultural diversity of the whole island of Ireland and include programmes that entertain, inform and educate, provide coverage of sporting, religious and cultural activities and cater for the expectations of the community generally as well as members of the community with special or minority interests and which, in every case, respect human dignity,
  - (b) provide programmes of news and current affairs in the Irish and English languages, including programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament, and
  - (c) facilitate or assist contemporary cultural expression and encourage or promote innovation and experimentation in broadcasting.<sup>5</sup>

With the exception of a requirement that the language of the programmes should be "primarily" Irish, these same objects are applied via section 118 to the Irish language PSB, TG4.

The legislation further requires RTE and TG4 to publish their own public service statements, which will set out "the principles to be observed, and activities to be undertaken by the corporation in order to fulfil its public service objects".<sup>6</sup>

<sup>5</sup> Broadcasting Act 2009, section 114

<sup>6</sup> Broadcasting Act 2009, section 101

RTE's Statement binds the corporation to the principles set out in the legislation, and further commits to some specific programming goals, including:

**Remaining independent...**

- Providing high quality national and international news services that are accurate, impartial and objective...

**Catering for the whole community...**

- Providing a wide range of programming and services that entertain, inform and educate
- Creating shared experiences through its services that help bind the community together and foster a greater sense of citizenship and national identity
- Providing programming and services for majority and minority interests, being inclusive and reflecting the diversity that exists in modern Ireland
- Ensuring people with disabilities can access a range of RTE programmes and services

**Providing a high quality service...**

- Maintaining a rigorous editorial process across all RTE services
- Encouraging innovation, experimentation and originality in programming
- Working with the Irish independent production sector and attracting and developing the most talented people to create content for Irish audiences
- Ensuring that licence fee payers can enjoy RTE content using the highest quality and most proven audio, video and on-demand technologies

**Serving the public interest...**

- Providing comprehensive coverage and analysis of Irish and international politics and public affairs including coverage of local and national elections, European elections and elections in other countries
- Creating opportunity for fair debate and discussion on the issues of the day across RTE services
- Encouraging and enabling audience contributions to RTE programmes
- Undertaking investigative reporting into matters of public interest...

**Promoting cultural expression...**

- Providing services in both Irish and English
- Ensuring RTE's programme schedule and services have a distinctive Irish voice and perspective
- Providing space in RTE schedules for Irish and international cultural expression and by creating and commissioning new work
- Providing programming of all kinds on global themes and increasing awareness of the cultural values and traditions of Europe and the wider world
- Maintaining a comprehensive, relevant and accessible archive of audio, video and printed materials
- Ensuring that RTE's Performing Groups remain at the heart of musical life in Ireland.<sup>7</sup>

TV3

<sup>7</sup> <http://www.rte.ie/about/en/policies-and-reports/policies-guidelines/2012/0417/317464-public-service-statements/>

In addition to RTE, Irish legislation defines a further category of "Television Programme Service Contractor", who is required to conform to some broad "public service" requirements:

The Authority shall ensure that a television programme service provided by a television programme service contractor under this section shall in its programming

- (a) be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Irish language
- (b) uphold the democratic values enshrined in the constitution, especially those relating to rightful liberty of expression
- (c) have regard to the need for the formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of other Member States, and
- (d) include a reasonable proportion of news and current affairs programmes

...

The authority shall ensure that a reasonable proportion of the television programme service

- (a) is produced in the state or in another member state, and
- (b) is devoted to original programme material produced therein by persons other than the contractor, its subsidiary, its parent or existing broadcasting organisations<sup>8</sup>

The Act effectively only allows for one such contractor, which is currently the service offered by TV3/3e.

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<sup>8</sup> Broadcasting Act 2009, s.70

## Current experience of designation under s.130

There are two useful precedents in the way that section 130 has already been approached: first, the request for carriage for TV3 / 3e; and second, the advice offered to the Minister following the call by the BAI for expressions of interest in carriage on the PSB multiplex.

### *TV3 / 3e*

In September 2010<sup>9</sup>, the BAI requested the Minister to require the carriage on the PSB multiplex of both TV3 and 3e, as covered by Section 130 (10) , which provides that the “television programme service contractor” (referred to above) should be so accommodated. As the “television programmes service contractor” under section 70 of the Act, TV3 / 3e were bound by the specific provisions referred to above, and therefore did not need to be designated as having the “character of a public service”. Nevertheless, the Authority’s letter to the Minister provides helpful indications of how the requirements of section 70 are being fulfilled by both services:

*the statement commits the service to providing a wide range of programming, both Irish and international, that reflects Irish people’s needs and interests. TV3 will provide a television service that is relevant and reactive in the digital age. The statement includes a wide range of commitments in respect of Irish and EU programming, independent production and a mix of programme genres including news, current affairs, documentaries, drama and Irish language.*

The 3e service was deemed to meet the test because it will “include programming exploring modern Irish culture relevant to the target audience”. The BAI, in their recommendation to the Minister, also note a commitment to programme quotas for Irish and EU programming, independent production, as well as the inclusion of news and Irish language.

### *Expressions of Interest*

The other relevant experience is garnered from the BAI’s advice to the Minister in relation to the “public service character” of those who responded to their invitation to express an interest in carriage on the RTE Multiplex. The advice suggests that a lower threshold than the criteria set out in section 70 could be envisaged as still being consistent with public service character:

- *3 Kids and 3 Classic*, which proposed a range of children’s entertainment, both Irish and international, and classic Irish films and documentary, were judged to have the character of public service by virtue of providing entertainment and information for Irish people reflective of their changing society and culture – despite the absence of a demonstrable commitment to news and current affairs
- the proposed music stations *Chilli Hits* and *Irish TV* were judged to pass the public service character test by virtue of a focus on indigenous music videos which would showcase, in the case of Chilli TV, existing and upcoming Irish talent as well as international bands; and in the case of Irish TV, a dimension of Irish culture – the

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<sup>9</sup> BAI letter of 30<sup>th</sup> September 2010 to Minister for Communications, Energy & Natural Resources

ballad – that is under threat. Again, there was no demonstrable commitment to the provision of news and current affairs

- the “community focus” of *DCTV and NvTv*, promising original programming which showcased local communities across Ireland and building community through media – although this service would clearly be of high informative value, its focus on specific communities would appear by definition to be unlikely to meet the needs of the *widest* range of communities or interests, either geographic, cultural or editorial: nevertheless, the BAI clearly felt that this was not a necessary requirement

## Conclusions

Before drawing any conclusions from the above examples, it is important again to stress their limitations:

- they are (mostly) requirements placed on channels with specific PSB designation and remits – the exception being the services defined in section 70 of the Irish legislation
- they frequently refer to whole systems, or at least families of services, rather than simply an individual service

Nevertheless, some broad themes undoubtedly emerge, and may be usefully grouped under three headings:

- Range and variety
- Contribution to democratic and public engagement
- Support for local production and investment in local talent

It is also important to reflect the roles of the different players involved in the test: the BAI and the Minister. Statutory Instrument number 67 of 2011 confers functions on the BAI to make recommendations to the Minister in relation to the amount of spectrum required for carriage on the RTE multiplex and its cost, as well as the number and nature of the services that might be carried on both the RTE multiplex and any other further national television multiplexes.

In August 2011, the BAI exercised this function when offering the advice, referred to above, as to the extent of the public service character of the services that had expressed an interest in carriage on RTE's multiplex in August 2011.

However, it is clear that the Minister alone can decide whether a proposed channel has "the character of a public service". In the recommendations that follow, it should therefore be explicitly understood that any guidance offered by the BAI would refer specifically and exclusively to the way in which they would advise the Minister: it is clear that such advice could not, and should not, fetter the discretion of the Minister in making his final decision.

### Range and variety

PSB systems are clearly required to address the varied tastes and interests of the whole population – a theme that emerges from all of the remits described above:

*innovatory and varied content (CoE);  
wide range of creative and cultural activities / wide range of enjoyable and entertaining content / wide range of genres (BBC);  
broad range of content for a culturally diverse society (Channel 4);  
range of high quality and diverse programming (Channels 3 and 5);  
providing a wide range of programming and services that entertain, inform and educate/ providing programming and services for majority and minority interests, being inclusive and reflecting the diversity that exists in modern Ireland (RTE).*

However, there are two features worth noting in both the UK example and the BAI advice in relation to the Expressions of Interest which may be of relevance to the DCENR as it develops the test of "public service character":

- First, that some considerable licence is given to the commercially funded channels to define for themselves exactly how they contribute to the range of content;
- And second, in the case of Channel 4, that it is given the very specific task of addressing the needs and interests of a particular audience – in this case, older children and young adults who form an audience particularly difficult for PSBs to reach – while in the case of the proposed Irish services, it was accepted that meeting a very specific audience was no bar to designation

I therefore suggest that the first dimension of the test of public character should be related to the range and variety of tastes and interests they will serve.

There may well be a balance to strike: it may not be reasonable to require a single channel to serve all audiences; and indeed, greater public value may be derived from a service which is tailored to meet the interests of a particular audience, or to provide a specific type of programme which is under-represented on other channels.

The BAI might therefore offer some guidance as to how it would weigh such a judgement in any advice it offered to the Minister.

#### **Contribution to democratic and public engagement**

There is uniform recognition that a public service channel, or approach, is one that gives both priority and prominence to the provision of programmes or other content that will enhance the citizen's ability to play an active and engaged role in society. In large part, this will be delivered through the provision of confident, authoritative and impartial news programmes; but it may also be delivered by a broader mix of factual programmes which deal with a broad range of current affairs issues.

As with the assessment of range and variety, it may be appropriate for the Authority to offer guidance as to the nature of the advice they are likely to offer to the Minister balancing the focus of the channel itself, and reflecting that the news and current affairs output may be tailored to meet the overall channel proposition. Indeed, this seems to be the approach already envisaged by the Authority in its assessment of the public service character of essentially community based television services.

#### **Support for local production and investment in local talent**

Original, local production is at the heart of public service broadcasting – a fact that is reflected in all of the approaches outlined above. European legislation already requires that 50% of the content carried in any service licensed or otherwise authorised in any member state has to have been made in the EU: but public service providers typically go further than this by both setting a higher level of local production and ensuring that a high proportion of it will be first run content.

It is also typical that PSBs may be required to channel their investment into specific geographic areas to support production activity that commercial providers may not prioritise.

European legislation also requires a minimum of 15% of "independent" production. Again, as with original production, public service channels tend to have higher demands made of

them, in recognition of two separate, but complementary, policy goals: support for a wider range of voices and sources of supply; coupled with the goal of using public funding or other form of public subsidy to support the growth and sustainability of a wider production sector.

Again, the BAI might be expected to offer guidance on the weight they will advise the Minister should place on this test, which may vary in relation to the type of service on offer: a community service, for instance, dependent on a spine of material acquired from, or simulcast with, other providers, might struggle to achieve the same level of original production as other more general channels: music channels might struggle to achieve a high proportion of material being broadcast for the first time. These characteristics, inherent in the nature of the service, ought not to prevent them from being designated as having the character of public service.

### **Overall contribution**

The three elements of a test, described briefly above, relate specifically to an individual service. But it is clear from all of the legislation quoted, and from the emerging consensus about how channels and services will develop in future – as well as the balance of obligations that the Authority might weigh in their advice to the Minister – that public service broadcasting is a system as well as a number of discrete services. To state it at its baldest, public service goals of diversity, plurality, range and variety would be poorly served with a range of broadly identical channels.

This is why the legislative frameworks increasingly look at the overall system, and places the contribution of individual services within that context. This may include, for instance, the obligation on the UK regulator to consider the contribution of the channels “taken together”; or it may be reflected in the contribution that public service channels make to the adoption of new digital platforms through the availability of an attractive range of channels and services.

However, the application of a s.130 test only to the content of a discrete channel does not obviously allow the overall context to be taken into account. So I would suggest that there should be a fourth element to the test – one which assesses the contribution the channel would make to the wider goals of public service broadcasting.

This would allow the BAI to be more explicit about the way it would advise how the balances described above might be struck: for instance, in judging the overall public contribution made by a channel which limits itself to a small number of programme genres, or is aimed at a specific service: or a channel which, by virtue of its overall editorial focus, gives lower priority to the provision of news or other factual content.

This would therefore require a recognition that the public service character of the channel is in some sense derived from the overall contribution that it makes to the PSB system, as well as the specific and discrete characteristics of the channel itself.