

Draft Media Bill - Overarching IA

Lead department	Department for Culture, Media & Sport
Summary of proposal	The Department is seeking to introduce a range of measures, through the Media Bill, to ensure that the British television and radio broadcasting landscape both reflects current challenges and is better prepared for future ones.
Submission type	Impact assessment (IA) – 16 March 2023
Legislation type	Primary legislation
Implementation date	TBC
Policy stage	Pre-legislative scrutiny
RPC reference	RPC-DCMS-5202(2)
Opinion type	Formal
Date of issue	7 June 2023

RPC opinion

Rating¹	RPC opinion
Fit for purpose	<p>The IA is now fit for purpose after being revised in response to the RPC’s initial review notice (IRN). As originally submitted, the IA was not fit for purpose due to insufficient indicative assessments and unjustified assumptions. The Department has now undertaken an appropriate consideration of the impacts arising from the range of measures included in the overarching IA, in line with RPC guidance² on primary legislation IAs. The SaMBA is sufficient at this stage but could be strengthened through exploring the likely benefits to SMBs arising from the measures. The Department identifies the role that Public Service Broadcasters (PSBs) play in creating positive externalities, however, it should consider strengthening the rationale element for the Video-on-Demand (VoD) accessibility measure and provide more on the possible impact on smaller production companies. While the IA does well to include a comprehensive equalities assessment, it needs to include a stronger consideration of the impacts to trade, competition, investment and innovation. The</p>

¹ The RPC opinion rating is based only on the robustness of the EANDCB and quality of the SaMBA, as set out in the [Better Regulation Framework](#). RPC ratings are fit for purpose or not fit for purpose.

² <https://www.gov.uk/government/publications/rpc-case-histories-primary-legislation-ias-august-2019>

Department discusses monitoring and evaluation (M&E) activities for some measures, however the IA would benefit from considering the aggregate impact upon PSBs.

Business impact target assessment

	Department assessment	RPC validated
Classification	Qualifying regulatory provision	Qualifying regulatory provision
Equivalent annual net direct cost to business (EANDCB)	NQ	NQ Further IAs to be submitted at secondary legislation stages, for validation of EANDCB figures
Business impact target (BIT) score	NQ	NQ
Business net present value	NQ	
Overall net present value	NQ	

Category	Quality³	RPC comments
EANDCB	Green	The IA discusses a range of impacts across the measures in the draft Bill and provides a suitable indication of the full impacts of all measures, in line with RPC primary legislation guidance. The Department should better indicate what measures are regulatory provisions and carry a direct impact to business.
Small and micro business assessment (SaMBA)	Green	The Department highlights that small and micro businesses (SMBs) are not expected to be impacted by the measures included in the draft Bill, and therefore do not, at this stage, face any direct costs. The IA would be improved by considering the potential benefits that SMBs may see from the measures introduced.
Rationale and options	Weak	The Department identifies the positive externalities associated with PSB content, to support the rationale for intervention. The IA presents a clear set of objectives and the options considered are appropriate for some measures. However, for the <i>VoD accessibility</i> , the Department has not made a clear case for why intervention is necessary, failing to consider the wider commercial factors which may drive VoD providers to make content accessible. The Department has not included discussion of the non-regulatory alternatives that have been considered.
Cost-benefit analysis	Weak	The IA draws upon a range of sources to inform the analysis presented, including engagement with PSBs, Ofcom and industry.
Wider impacts	Weak	The IA includes a detailed assessment of the potential equality impacts, as well as briefly discussing the innovation, trade and competition impacts too. However, the Department needs to ensure its position, on the potential impact to trade and investment, is clear and the IA could include more on this.
Monitoring and evaluation plan	Satisfactory	The Department does not commit to undertaking a formal post-implementation review (PIR). Individual monitoring and evaluation (M&E) activities are discussed for some, but not all measures included in the Overarching IA. The Department should have considered what M&E could be undertaken to understand the collective impact upon PSBs and their programming.

³ The RPC quality ratings are used to indicate the quality and robustness of the evidence used to support different analytical areas. The definitions of the RPC quality ratings can be accessed [here](#).

Response to initial review

As originally submitted, the IA was not fit for purpose as the Department had not included a sufficient indicative assessment of the *Smart Speakers* measure (in line with RPC primary legislation guidance) and failed appropriately to explain (with supporting evidence) why the addition of Live streaming within the *Online (PSB) prominence* IA would not result in additional impacts for business. Additionally, the Department used unjustified assumptions to support the analysis within the Commercial radio de-regulation IA and did not adequately identify the SMBs that would be affected by the *Commercial radio de-regulation* and *VoD accessibility* measures.

The Department, in the revised IA submitted in response to the IRN, has now provided a suitable assessment of the potential impacts of the *Smart Speakers* measure, as well as reinforcing the commitment to producing a standalone IA ahead of the Bill's introduction. The IA also now includes further discussion supporting the position that livestreaming does not increase the expected costs to business from complying with the new *Online (PSB) prominence* requirements, as well as providing clearer justification and evidence to support the *Commercial radio de-regulation* analysis. The Department has also further developed its SaMBA across the draft Bill, including clearly identifying the SMBs likely to be affected by all measures.

Summary of proposal

The Department is seeking pre-legislative scrutiny on a Bill, which will introduce a number of measures to enable it to deliver key parts of the Government's vision for British television and radio broadcasting. The intention is a British broadcasting landscape which is fit for the future, continuing to drive the economic success of the sector and the creative economy, as well as supporting the provision of free and universal PSB content and, the delivery of high quality content and choice for audiences across the UK. Ahead of pre-legislative scrutiny, the measures included discussed in the overarching Bill IA are:

- Modernising the UK's system of PSBs;
- Online (PSB) prominence;
- Channel 4 corporation (C4C) reform;
- S4C regulatory and governance reform;
- Video-on-Demand (VoD) regulation;
- VoD accessibility;
- Smart Speakers;
- Commercial radio de-regulation; and
- Repeal of s.40 of the Crime and Courts Act 2013.

The RPC has previously seen, and issued separate opinions on, standalone IAs drafted to support the *Modernising the UK's system of PSBs*, *Online (PSB) prominence*, and *VoD regulation* measures. Principally, the Department has undertaken a scenario 2 assessment (as set out in RPC primary legislation

guidance⁴, as providing an indicative quantitative assessment of the impacts of the full impacts of the measure) however, as the *Commercial radio de-regulation* measure takes effect through the primary legislation itself, a scenario 1 assessment has been provided. The EANDCB that the Department has provided for the *Commercial radio de-regulation* measure is £0.9 million. The Department has not, at this time, included an indicative estimate of the EANDCB for the draft Bill as a whole.

EANDCB

Identification and quantification of impacts

Since previously reviewed by the RPC, as a standalone final stage submission, the *Online (PSB) prominence* IA now considers an additional requirement relating to livestreamed content. To support this newly added requirement, Department has included suitable discussion and evidence to support the position that this should not lead to substantial further costs to providers.

In addition, the Department provides an initial qualitative assessment of the impacts of proposals relating to Smart Speakers, committing to provide a fuller assessment, in the form of a final stage IA, prior to the full introduction of the Bill. While the RPC notes the Department's commitment, the current level of assessment does not provide a suitable level of indicative analysis.

Presentation of EANDCB figures

The Department has only included an EANDCB for validation at this stage for the *Commercial radio de-regulation* measure, as this is an enacting policy. For the rest of the policies covered in the draft Bill, a scenario 2 approach has been taken (as outlined in RPC Case Histories guidance) has been taken, with further IAs being produced, as necessary, for future secondary legislation.

While the RPC agrees with the Department's approach to what figures are to be validated (or not as is the case), the IA should more clearly present the EANDCBs that have been estimated at this stage, while explaining why these are not captured in the EANDCB for validation. For example, the measure relating to S4C includes an EANDCB, however as this is not a regulatory provision and not in scope of the Better Regulation Framework, does not score against the BIT. However, as presented in the Overarching IA, it could be misunderstood by the reader that this EANDCB is being put forth for validation.

Establishment of baseline/counterfactual position

In the discussion of the S4C measure, the Department notes that S4C have already begun to implement some of the changes that have been recommended. It goes further to say that in the event of option 0 being taken, S4C would need to undo changes that have been made to date and revert back to previous practices. However, the IA is unclear as to what changes have been made and what implications these have for costs to S4C (and business if applicable). Furthermore, it

⁴ <https://www.gov.uk/government/publications/rpc-case-histories-primary-legislation-ias-august-2019>

is unclear whether the costs of the preferred option are additional to those already incurred or inclusive of.

The IA should clearly establish the current baseline position, including costs incurred by S4C from changes already made, and the expected counterfactual, while making it clear in its assessment of the impacts of both options what the additional impact of these are, with respect to the baseline and counterfactual.

Missing impacts

Building upon the above point, if it is assumed that, in the event of the ‘Do-nothing’ option for S4C resulting in the reversal of changes that are already in progress, then it would appear that the ‘Do-nothing’ option would carry a cost. However, the individual IA produced to support the S4C measure does not discuss the impacts of the do-nothing option in any detail. The IA would be improved through a more thorough consideration of not only the sunk costs associated with the changes already made, but also those that would be necessary to revert to previous operating practices. Furthermore, the Department should consider the implications for the role of OFCOM, if the requirements upon them have increased and if this will lead to increased costs for them (and business given how OFCOM is funded), or whether this will mean a trade-off versus other responsibilities that OFCOM currently has.

Future assessments

The Department stated (in paragraph 4) that further IAs will be produced, as appropriate, for any related secondary legislation. In addition, the Department has committed to producing a standalone IA for the *Smart Speakers* measure ahead of the Bill’s introduction, where the RPC would expect the Department to include some discussion of the potential impact of levies relating to this policy, as well as the need for regulatory certainty/clarity over the designation powers of the Secretary of State. The RPC would expect to see much more detailed qualitative and quantitative cost-benefit analyses in the IAs accompanying the relevant secondary legislation enabled by the Bill. The RPC would welcome any discussion with the Department prior to the submission of IAs produced to accompany future secondary legislation.

SaMBA

Identification of impact upon SMBs

The IA highlights that while there is not a specific exemption for SMBs from the measures covered by the Overarching IA, the design of the policies in question are such that SMBs are not expected to be in scope. Therefore, there are no expected direct impacts to SMBs as a result of the measures covered in the Overarching IA. While the Department states that no small and micro businesses (SMBs) will be directly impacted by most of the measures being introduced (with the *Commercial radio de-regulation* measure likely being beneficial to smaller radio stations), and therefore no exemption or mitigation needs to be considered, it does not consider the potential wider indirect and positive impacts that may be accrued by such businesses. The IA would benefit from considering the full range of direct and indirect impacts, including positively, that may affect SMBs.

Medium-sized business (MSB) exemption

In addition to considering whether SMBs can be exempt from the new requirements, the Department has also included discussion of the potential impact upon SMBs, as well as whether they can be exempt. The IA notes that the measures are designed to capture MSBs, however also highlight that the future development of secondary legislation (and regulator guidance) may bring MSBs into scope. In such instances, the Department has indicated a commitment to reassessing the impact upon MSBs.

Rationale and options

Rationale

The Department clearly sets out the rationales for intervention that have been identified for each measure. The Overarching IA highlights the positive externalities that PSBs, and their programming, provide and uses this to build the case for legislative change. The IA would be strengthened by providing more details on how the PSB externalities will be delivered through the proposal. However, the Department's rationale to support the introduction of *VoD regulation* needs to be strengthened, as was noted in the RPC's separate opinion on this measure.

Furthermore, while the arguments to support most of the measures are well developed, the Department does not provide a strong case for intervention for the *VoD accessibility* proposal. The IA does not sufficiently explain why businesses would not move towards providing the levels of accessibility being proposed, without the need for regulatory intervention. While the Department argues that the new requirements will act as a safeguard, the IA should do more to identify evidence that will test whether the current trends in the increased rate of provision of accessibility would cease to apply in the absence of regulatory intervention.

Options

The Department present a limited range of options for consideration across the measures included in the Overarching IA. The Overarching IA needs to include a clear discussion of what non-regulatory options have been considered, and why non-regulatory intervention would not be sufficient in delivering the policy objectives.

Cost-benefit analysis

Evidence

The Department has engaged with a number of key stakeholders to inform its qualitative, and where possible quantitative, assessment of the likely impacts of the policy.

Assumptions, risks and uncertainty

In the IA's estimation of the Audit Arrangement costs as part of the S4C reforms, the Department uses an assumption relating to profit margins of 25 per cent without explaining how this was chosen or whether it is appropriate. The Department should provide evidence to support this 25 per cent assumption, or identify an appropriate alternative proxy, for example drawing upon official government statistics on the

financial figures (such as those reported in the Office for National Statistics Annual Business Survey, or that in the Interdepartmental Business Survey).

Wider impacts

Innovation

While the Department addresses the impact on innovation as a result of most of the measures, it does not consider the potential impact on innovative programming produced by C4C due to the reforms. While the IA notes that “There could be costs to other producers who may lose commissions when C4C are able to make some programmes in-house”, it does not discuss this further. The IA should consider discussing the current role of C4C in producing such content and the potential impact of a change in programming direction that may occur.

The IA briefly states that the “*smart speakers regulations could impact the freedom that these platforms have to innovate*”, although noting that evidence to support this discussion is limited. The Department should, in the standalone IA, state that they are committing to develop this consideration of the impact on the smart speaker sector and whether in fact the measure may limit innovation.

Internal trade and investment

The Overarching IA states that the measures in the Bill are not expected to have a significant impact on trade or investment. However, given the C4C reform and S4C measures are, in part, driven by the current limitations on both broadcasters to fully utilise their commercial potential, the Department should better justify this position of there being no investment impact. Furthermore, the IA makes reference to the potential impact of the import and export of VoD services from the *VoD regulation* measure. The Department should therefore ensure that the impacts of trade, as well as investment for all of the measures in the Overarching IA are sufficiently considered.

Public sector

The Department have clearly considered and identified the main areas of impact to public sector bodies, such as C4C, S4C and Ofcom, for the different measures covered by the Overarching IA. However, as noted in the above sections, the assessment of these impacts could be strengthened.

Monitoring and evaluation plan

The Department does not commit to undertake a formal PIR for the Bill, or the individual measures covered within. However, the Department does describe a range of M&E activities that they may undertake to assess the success and progress of individual policies that will be introduced by the Bill and resulting secondary legislation. The IA notes the key role that Ofcom will play in M&E, citing the current role that they play in assessing the performance of PSBs and the industry more widely, as the main justification for utilising them further for the purposes of M&E. The Department should consider whether an increase in the M&E requirements for

Ofcom, across several of the proposals covered by the Bill, will impact on their ability to conduct both the evaluation of those policies, but also existing ones which Ofcom may be assessing and other regulator commitments, if resources remain constant. While the IA does note that it is for Ofcom to decide how they will resource their M&E responsibilities, it does not consider the impact upon the quality or scope of said evaluations.

While the measures included in the Bill cover a range of aims and objectives, the Department should have explored whether the collective impact on PSBs and the service they provide, as a result of the measures seeking to strengthen UK PSBs. The individual IAs produced to support the measures on PSB reform and PSB prominence, consider an overlapping set of M&E areas of interest, including key questions and metrics. However, the Department have not included similar M&E plans for the S4C reforms or C4C reform measures. The IA would have benefited from considering whether any M&E could be developed to assess the aggregate impact of the measures in the Bill, namely the collective impact upon PSBs and their programming.

Regulatory Policy Committee

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Annex A: Summary of impacts from measures included in the Bill

Measure Those in bold are measures identified as Regulatory provisions (RPs) by the Department	Description of measure	Main impacts identified by the Department	RPC opinion on quality of assessment and areas for improvement
Modernising the UK's system of public service broadcasting (PSB)	This measure has a number of elements: <ul style="list-style-type: none"> - An updated, singular remit for PSBs; - Allowing the delivery of certain quotas via a wider range of services; - Introducing a general requirement to produce distinctively British content; - Updating the Terms of Trade to reflect changes in technology and the way viewers are watching content from our PSBs; - Introducing a backstop power to enable SoS to set additional quotas for underserved content areas; - Making the Listed Events regime a PSB specific benefit in line with Ofcom's recommendations; and 	Costs <ul style="list-style-type: none"> - Familiarisation costs for PSBs; - Transitional costs to Ofcom; - Costs for PSBs of an updated singular remit; - On-going costs for Ofcom due resulting from an updated, singular remit; - Benefits <ul style="list-style-type: none"> - A simpler and more clearly articulated set of objectives; - Economic benefits to PSBs; and - Social benefits to audiences. 	A separate IA was submitted for this measure prior to this Overarching IA. The RPC determined that IA to be fit-for-purpose and the relevant opinion will be published separately. However, since this opinion was issued, the Department has made amendments to the scope of the policy. The RPC is content with the Department's updated IA.

	<ul style="list-style-type: none"> - Addressing outdated references to the public teletext provider. 		
<p>Online (PSB) Prominence</p>	<p>The measure will introduce a principle-based framework to be enforced by Ofcom. Ofcom will be given powers to designate PSB on-demand and live streaming services which are to be made available and appropriately prominent on prescribed TV platforms.</p> <p>Those TV platforms, who will be in-scope of this new prominence regime, will be designated as such by the Secretary of State in regulations, following recommendations from Ofcom, where they have relevant control of a user interface (UI); where distribution of TV is a core feature of the service; and where it is used by a significant number of UK viewers as a main way of watching TV online.</p>	<p>Costs</p> <ul style="list-style-type: none"> - Ofcom familiarisation costs; - Set-up costs of the framework and then the on-going enforcement; - PSBs familiarisation costs; - TV platforms familiarisation costs; and - TV platforms opportunity costs from the provision of prominence for PSBs. <p>Benefits</p> <ul style="list-style-type: none"> - Retained PSB viewership; and - Societal benefits of PSB programming. 	<p>A separate IA was submitted for this measure prior to this Overarching IA. The RPC determined that IA to be fit-for-purpose and the relevant opinion will be published separately. However, since this opinion was issued, the Department has made amendments to the scope of activities/businesses covered by the policy. The RPC is content with the Department's updated IA.</p>
<p>C4C reform</p>	<p>The measure will see the introduction of interventions to support C4C's long term sustainability. This will primarily be through the introduction of a duty on the Board, in conjunction</p>	<p>The Department has not undertaken a formal IA for this measure. However, the Department does discuss potential areas of impacts, such as:</p>	<p>The Department provides a sufficient assessment of the full impacts of the policy.</p> <p>However, the IA should be strengthened in the following area:</p>

	<p>with the removal of C4C's publisher-broadcaster restrictions.</p>	<ul style="list-style-type: none"> - Familiarisation and other transitional costs for C4C; - costs to C4C through providing increased financial reporting on performance; and - costs to other content producers, if C4C are able to make content in-house. 	<p>Innovation While the Department does note that there may be an impact to other content producers, the IA should discuss this further, including the potential impact on the programming produced.</p>
<p>S4C regulatory and governance reform</p>	<p>This measure has a number of elements:</p> <ul style="list-style-type: none"> - Update S4C's public service remit to include digital and online services and remove the current geographical broadcasting restrictions; - Amend current approval requirements to give S4C greater clarity in their ability to invest and generate commercial revenue; - Enable S4C and the BBC to come to an alternative arrangement to deliver BBC support for S4C rather than the current fixed requirement of 10 hours of programming per week; 	<p>Costs</p> <ul style="list-style-type: none"> - S4C familiarisation costs; and - Audit arrangement costs. <p>Benefits</p> <ul style="list-style-type: none"> - Indirect benefits from new investment; - Direct benefits from cost savings; - NAO will benefit from new audit arrangements; and - Increased viewership for S4C. 	<p>The Department provides a sufficient assessment of the full impacts of the policy and has made an attempt to quantify the direct impacts. However, the IA should be strengthened in the following areas:</p> <p>Counterfactual/baseline As noted, in the main body of the opinion, the IA lacks clarity over the actions to be taken by S4C under the counterfactual position. This uncertainty limits the assessment of the additionality of the impacts of the policy. The IA should further clarify the baseline and counterfactual positions.</p> <p>Missing impacts As a result of the uncertainty in the counterfactual, the Department's may be missing impacts from it's consideration of option 0 (do-nothing).</p> <p>Assumptions, sensitivity and risk</p>

	<ul style="list-style-type: none"> - Replace the S4C Authority with a new unitary board comprising executive and non-executive directors, to reflect what has already been implemented administratively; and - Appoint the Comptroller and Auditor General as S4C's external auditor, again to reflect what has already been implemented. 		<p>The Department should provide evidence to support this 25 per cent assumption, or identify an appropriate alternative proxy, for example drawing upon official government statistics on the financial figures.</p>
<p>VoD regulation</p>	<p>The measure will introduce a new light-touch regulatory regime and bring TV-like VoD services under a new video-on-demand Code to strengthen content rules, but do not mandate audience protection requirements. Specifically this will seek to;</p> <ul style="list-style-type: none"> - Bring larger, TV-like and potentially harmful, VoD services outside the UK which target UK audiences under UK jurisdiction; - Implement a two-tiered system and bring in enhanced regulation for 'top tier' (larger and potentially harmful) services (both UK and 	<p>Costs</p> <ul style="list-style-type: none"> - Ofcom familiarisation costs; - New regulatory enforcement regime set-up costs; - On-going costs to Ofcom of new enforcement; - VoD provider familiarisation costs; and - Costs to VoD of ensuring content meets required standards. <p>Benefits</p> <ul style="list-style-type: none"> - Viewer protection from harmful content; and 	<p>A separate IA was submitted for this measure prior to this Overarching IA. The RPC determined that IA to be fit-for-purpose and the relevant opinion will be published separately.</p>

	<p>non-UK based) including a new Video-on-demand Code, similar to the Broadcasting Code, with practical implementation led by Ofcom;</p> <ul style="list-style-type: none"> - To ensure proportionality, smaller, lower risk on-demand services in the UK will continue under existing rules, ensuring services that have a smaller audience size and pose lower-risk to viewers, are not unfairly or unnecessarily penalised; and - Do not mandate specific protection measures (like compulsory age ratings), but give Ofcom an enhanced obligation to assess VoD providers' protections for audiences. 	<ul style="list-style-type: none"> - Levelling of playing field for UK based broadcasters. 	
VoD accessibility	<p>The measure will introduce a range of minimum levels of provision, with regards to the accessibility of VoD content.</p>	<p>Costs</p> <ul style="list-style-type: none"> - Familiarisation costs to VoD providers; - Set-up costs for Ofcom, as well as on-going costs to Ofcom of monitoring and enforcement; - Development costs for VoD providers; 	<p>A separate IA was submitted for this measure alongside the Overarching IA. The RPC determined that IA to be fit-for-purpose and the relevant opinion will be published separately.</p>

		<ul style="list-style-type: none"> - Costs to VoD providers of ensuring both current and then new content is accessible; and - Costs to VoD providers due to annual reporting. <p>Benefits</p> <ul style="list-style-type: none"> - Benefit to consumers of improved rates of accessible VoD content, as well as the associated reduction in social isolation; and - Increased business for VoD providers who are able to attract new customers due to increased accessibility. 	
Smart speakers	The measure will seek to protect the UK radio sector, when engaging with Smart Speaker services, through a series of requirements covering integrity of service, findability, control over the route through which consumers find radio stations, and the prevention of carrier charges.	The Department has not undertaken a formal assessment of the impacts of the measure as yet, and will produce a standalone IA ahead of introduction of the Bill. The overarching IA does discuss some potential areas of impact, such as: <ul style="list-style-type: none"> - Initial familiarisation costs for radio 	The Department provides a sufficient assessment of the impacts of the policy (including setting out the size of the Smart Speaker sector) and has committed to producing a standalone IA for this measure ahead of the Bills introduction. However, the IA should be strengthened in the following areas: <p>Options</p>

		<p>stations and smart speaker platforms,</p> <ul style="list-style-type: none"> - Transitional set-up costs for smart speaker platforms; - The reversal of the value exchange between radio stations and smart speaker platforms; and - The benefits to consumers from improved access to radio services through smart speakers. 	<p>The IA would benefit from discussing in detail the potential non-regulatory alternatives that could have been implemented.</p> <p>Quantification of impacts The Department, in the IA that has been indicated will be produced prior to the introduction of the Bill, should seek to quantify the impacts of the proposed measures.</p>
<p>Commercial radio de-regulation</p>	<p>The measure will remove unnecessary regulation from the commercial radio sector, to enable it to be more agile.</p>	<p>Costs</p> <ul style="list-style-type: none"> - Familiarisation costs for the radio sector and Ofcom; and - Costs to Ofcom of updating guidance. <p>Benefits</p> <ul style="list-style-type: none"> - Benefit to radio sector from de-regulation and reduced admin requirements for format changes. 	<p>The Department provides a sufficient assessment of the full impacts of the policy and has made an attempt to quantify the direct impacts. However, the IA should be strengthened in the following areas:</p> <p>Assumptions, sensitivity and risk While the Department states that their analysis and assumptions have been tested with key stakeholders, the IA would be improved through including a clearer explanation of the appropriateness of some assumptions on the back of this engagement. For example, the IA notes, on page 10 when discussing the previous consultation and asking stakeholders views of the results, that the "...finding of which broadly still hold true..." which while indicating that stakeholders did not disagree with the</p>

			results, may suggest that they do not remain wholly accurate.
Repeal of s.40 of the Crime	The measure will repeal s.40 of the Crime and Courts Act 2013.	The Department assesses there to be no impact from this measure, as it removes the risk of legal action (which has not previously been brought), from happening.	The Department provides a sufficient assessment of the impacts of the policy.