

<b>Institution: University of East London</b>
<b>Unit of Assessment: 36</b>
<b>Title of case study: Media Regulation and Communications Policy Reform</b>
<p><b>1. Summary of the impact</b></p> <p>University of East London (UEL) research on media policies has contributed to policy submissions made to the UK government, Leveson Inquiry, politicians and regulators, and to supranational organisations such as the European Commission. The research has particularly informed the development of policies adopted by civil society organisations and has influenced regulatory outcomes, policies and policy debates, especially where these relate to product placement, cross-media promotion, and media ownership and pluralism. Proposals on media plurality have informed UK policy debate, particularly via their reference in oral evidence provided by Dr. Jonathan Hardy to the 2013 House of Lords Select Committee on Communications. These policies on media ownership have also influenced Labour Party policy debate and formulation, and have been adopted by the TUC and other organisations.</p>
<p><b>2. Underpinning research</b></p> <p>The impacts described here are underpinned by work conducted within UEL's School of Arts and Digital Industries (previously Humanities and Social Sciences) by Dr Jonathan Hardy (Reader in Media Studies; joined UEL in 1996). The broad focus of Hardy's research is media policy and regulation, including studies of the UK media and comparative analysis of media systems. More specific research interests include media ownership and pluralism, media law and competition regulation, and the relationships between media and advertising. Hardy's work in these fields has incorporated comparative analyses of media ownership regulation in North American and European media, and scrutiny of policies on convergence and changes in the regulation of press, broadcasting and advertising.</p> <p>Published in 2008, <i>Western Media Systems</i> [1] examines the contexts in which media ownership policies have changed at national and supranational levels, comparing policies across North America and Western European media systems. The book, described by Professor David Hesmondhalgh (Leeds University) as 'a major contribution to comparative media research', proposes an expansive framework for media systems analysis based on a critique of the main approaches adopted hitherto, and provides an original, political economic analysis of convergence and change in media systems. Hardy has examined UK communications policy in work conducted as part of his doctoral research (1999-2004) and in post-doctoral work (2004-2012) on policy under the New Labour Government and the work of the new communications regulator Ofcom. His published research on UK television policy 2000-2010 [4] examines policy changes, policy actors and influences on policies. This research demonstrates that while marketisation and liberalisation were the dominant tendencies, regulatory changes were less pronounced and involved a more complex mixture of interventionist, deregulatory and re-regulatory tendencies than was suggested by the radical pro-market rhetoric generated within New Labour and Ofcom, [4].</p> <p>In his work on media and advertising regulation, Hardy has examined the ways in which liberalisation has, at the behest of commercial, media and advertising industry lobbies, been countered in certain areas by governmental intervention, including in response to public concerns mobilised by civil society organisations [2]. His 2010 book <i>Cross-Media Promotion</i> [3] analyses media industry behaviour and regulation in the UK and USA, incorporating case-studies of regulatory responses to cross-media promotion across newspapers, television and online, and regulation of product placement and related media/advertising integration. The book exposes the failure of UK regulatory arrangements and media policy responses since the late 1980s to address the problems of media power and market power generated by intensifying cross-media promotion.</p> <p>More recent research has continued to examine the changing relationship between media and marketing [6]. It combines research on cross-media promotion practices in the UK media with an analysis of cross-promotion as a regulatory issue, including in the application of the public interest</p>

test and the policy process surrounding the proposed merger of News Corporation and BSkyB [5].

### 3. References to the research

- [1] Hardy, J. (2008), *Western Media Systems*, Routledge, ISBN 978-0-415-39691-2, Submitted to REF 2
- [2] Hardy, J. (2009), 'Advertising Regulation', in Powell, Helen, Jonathan Hardy, Sara Hawkin and Iain MacRury (eds.), *The Advertising Handbook*, Routledge, 74-87, ISBN 978-0-415-42312-0. Available on request.
- [3] Hardy, J. (2010), *Cross-Media Promotion*, Peter Lang, ISBN 978 1 4331 0146 5 Submitted to REF 2.
- [4] Hardy, J. (2012), 'Television Policy 2000-2010', *Journal of British Cinema and Television*, 9(4), 521-547. <http://www.eupublishing.com/doi/pdfplus/10.3366/jbctv.2012.0104>
- [5] Hardy, J. (2012), 'Cross-Media Promotion and Media Synergy: Practices, Problems and Policy Responses', in McAllister, Matthew P., and Emily West (eds.), *The Routledge Companion to Advertising and Promotional Culture*, Routledge, 83-98. ISBN 978-0415888011 Submitted to REF 2
- [6] Hardy, J. (2013), 'The Changing Relationship Between Media and Marketing', in Powell, Helen (ed.), *Promotional Culture in an Era Convergence: Consumers, Markets, Methods and Media*, Routledge, 125-150. ISBN 978 0 415 672795, Available on request.

### 4. Details of the impact

Through his research, writings, websites ([www.commercialwatch.co.uk](http://www.commercialwatch.co.uk); [www.cpbp.org.uk](http://www.cpbp.org.uk)) and policy submissions, Hardy is recognised as a leading authority and critic of product placement and related media-advertising integration. Hardy's research has influenced the development of policies and regulatory proposals relating to product placement, cross-media promotion, and media ownership and pluralism. Impact has arisen from its use as the basis for political discussion and debate, and from Hardy's contribution of expert advice to the UK government, the Leveson Inquiry, politicians, regulators and supranational organisations such as the European Commission. The main beneficiaries of this work have been trade unions, the Labour Party and Shadow Ministers for Communication, civil society organisations and media reform networks.

The research impacts have been realised in part through Hardy's **expert contribution to discussion and debate**. Throughout the period of assessment he has worked as National Secretary of the Council of the Campaign for Press and Broadcasting Freedom (CPBF), an independent media reform organisation supported by trade unions and civil society organisations that campaigns for a more democratic, accountable and pluralistic media. In this role, he has drawn upon his research to make significant contributions as lead author for submissions on governmental and regulatory policy reviews, in public advocacy and journalism, and in advising and co-ordinating with other civil society organisations on media reform [a]. Since 2008 Hardy has provided 11 such submissions, including for the European Commission Consultation on Audiovisual Media Services Directive (2008); Department for Culture, Media and Sport (DCMS) consultations on Product Placement (2010) and the Proposed News Corporation Takeover of BSkyB (2011); Ofcom's investigation of public interest considerations in the proposed acquisition of BSkyB by News Corporation (2010) and Media Pluralism Review (November 2011); the Leveson Inquiry on media regulation, ownership and pluralism (June 2012); and the House of Lords Communications Committee's consultations on convergence (September 2012) and media pluralism (April 2013).

Hardy has also addressed audiences of policymakers and regulators, trade unions, civil society organisations, media professionals and public audiences at CPBF and other meetings, conferences and public events in the UK and internationally. He was an invited panel speaker on media ownership reform alongside Helen Goodman MP, David Elstein, and Damian Tambini (LSE) at the 2012 Oxford Media Convention, widely recognised as the agenda-setting event for all those concerned with the future of Britain's media industry [b], and has made invited contributions to seminars organised by the DCMS, Ofcom, the Voice of the Listener and Viewer, and at industry

conferences such as the Westminster Media Forum event on the Future of Advertising (2008). Hardy has also presented research findings at meetings with politicians including Helen Goodman MP, Neil Gerrard MP and Siôn Simon MP, then Parliamentary Under-Secretary for Creative Industries. These presentations have influenced Labour policy formation on communications, including the Audiovisual Media Services (Product Placement) Regulations (2010) [c]. Through these and other avenues, his research has supported his role as a leading actor in policy debates about the regulation of media ownership and product placement and media-advertising integration in the UK.

The follow-on impacts of these contributions to discussion and debate among policy-makers, media professionals and media regulators include Hardy's **influence upon the development of media regulations and communications policy**. Most recently, Hardy gave oral evidence alongside Chris Goodall of Enders Analysis to the House of Lords Communications Committee on media plurality in June 2013 [d], a contribution described by the Media Reform Coalition as providing 'the real meat of the session' [e].

Hardy has also been the lead author for policies on media ownership reform that have been adopted by the CPBF, Media Reform Coalition (of which Hardy is a founding member) and the TUC, and influenced the development of policies in other organisations, including the Labour Party [f]. At his invited meeting in April 2012 with Helen Goodman MP, Shadow Minister of State for Culture, Media and Sport, Hardy discussed proposals—supported by his research—that would establish ownership caps on media entities and impose public service obligations on large media organisations operating below that cap. These proposals have subsequently influenced the development of policies on media ownership within the Labour Party [c] and media reform networks. As the Director of the Goldsmiths Leverhulme Media Research Centre notes, Hardy's research on media ownership regulation 'has greatly influenced policy debate. He has confronted the failure of past media monopoly regulation, and come up with a solution... This approach has been enormously influential on civil society organisations – shaping the policy of the Campaign for Press and Broadcasting Freedom, Media Reform Coalition, and TUC, among other organisations. I hope it is not a breach of confidence to say that the Hardy approach (though it was not formally identified as such) was on the agenda of a meeting convened by a shadow cabinet minister to discuss the future policy of the Labour Party in this area, during the summer [of 2013] and continues to be in the frame' [g].

The same proposals have also influenced the development of policies on media ownership for the National Union of Journalists (NUJ), especially via CPBF analysis of the UK media and proposals for regulatory reform. Discussing Hardy's contribution, the Union's Senior Campaigns and Communications Officer attests: 'Jonathan Hardy's research on communications policies and media regulation has been beneficial in informing the work of the NUJ. He has been invited to contribute to NUJ submissions to government and other consultations. Submissions he has written for the CPBF have also been influential and helpful to the NUJ in the preparation of its own submissions or comments on regulatory issues. In particular, his research and proposals on reforming media ownership regulation have had an important impact on the formulation of NUJ policies in this area. The NUJ has benefited from Dr Hardy's research on communications law and policy, media concentration and media issues in developing its policies and in providing evidence-based recommendations on regulation to parliament, government and regulators. The NUJ has also benefited from research informing articles and other communications with our members on media regulation issues and in building support and awareness of media reform agendas' [h].

In April 2012, **policies on media plurality and reform of the public interest test were adopted by the Trades Union Congress Executive Committee**. The Committee's Head of Secretariat has recognised the 'important contribution' of Hardy's media ownership regulation research to this. In particular, he cites the influence of Hardy's proposals for a 15% public interest threshold and 30% market cap, as well as public interest obligations on large media groups, on the Committee's approach to tackling media concentration. Thus, he explicitly acknowledged that Hardy's work on media concentration and the public interest 'has informed the policies adopted by the TUC Executive in April 2012. The policy document Media Ownership and Regulation, endorsed by the TUC executive, includes a summary of the CPBF proposals on media ownership and control,

which Jonathan developed, and quotes from a CPBF document he wrote... Unions responded positively to the paper, which therefore formed the basis for the TUC submission to the Leveson Inquiry...Jonathan's work has therefore made an important contribution to the development of policies for reform of media ownership that have been endorsed and promoted widely across the trade union movement' [f].

The reach of these impacts on policy have been extended internationally via the use of Hardy's research on product placement to inform policy submissions made to the European Commission consultation on the Audiovisual Media Services Directive, as well as to Ofcom and DCMS in the UK. Written submissions include a CPBF response to Ofcom's Consultation Broadcasting Code Review, 'Commercial References in Television' (September 2010). These submissions were acknowledged by DCMS and Ofcom as contributing to arguments against the liberalisation of product placement and, whilst unsuccessful in preventing its introduction, have influenced the manner of implementation and safeguards established [i].

In addition to its impacts on policy discussion and formulation, Hardy's research has enhanced **public and practitioner awareness of and engagement with media policy issues**. These impacts on practitioner awareness have been achieved particularly via Hardy's regular contributions to the CPBF journal, *Free Press*, which reaches an audience of c. 3,000 readers, including 19 affiliated trade unions. Notable examples of popular media coverage of his research and its findings since 2008 include an article on Hardy's co-authored report to Ofcom about Rupert Murdoch's 'corrosive role', published in the Guardian in 2010 [j], and a media interview for BBC Business Scotland on the impact of product placement (BBC Scotland 2012). Both through these sorts of contribution to popular media discourse and through his presentation of research insights at public events, Hardy has contributed to wider public engagement with and understanding of issues relating to his research on the governance and regulation of communications.

## 5. Sources to corroborate the impact

[a] A statement about the impacts and contribution of the research to the work of the Campaign for Press and Broadcasting Freedom may be obtained from the organisation's Chair.

[b] For evidence of Hardy's invited contribution to the panel discussion on cross media at the Oxford Media Convention (January 2012): <http://bit.ly/aQ6hQQ>

[c] Helen Goodman MP can corroborate Hardy's influence on Labour policy relating to media ownership, including through his meeting with her and Gavin Freeguard (policy advisor to Harriet Harman) on 26 April 2012, as well as other discussions and exchanges.

[d] A transcript of Hardy's provision of expert advice to the House of Lords Communications Committee inquiry into media plurality is available at <http://bit.ly/1bKyFJZ>

[e] For the Media Reform Coalition's assessment of the significance of Hardy's testimony to the inquiry see <http://bit.ly/1fLkiF>

[f] Factual statement from the Head of Secretariat at the Trades Union Congress concerning the adoption of policies on ownership by the TUC Executive (April 2012). Available on request.

[g] Factual statement concerning Hardy's contribution to media policy formation and debate – including within the Labour party – is available from the Director of the Goldsmiths Leverhulme Media Research Centre, a founding member of the Media Reform Coalition. Available on request.

[h] Factual statement from the Senior Campaigns and Communications Officer, National Union of Journalists, on the influence of Hardy's research and submissions on the policies of the union and on the wider policy process regarding press and media reform. Available on request.

[i] For acknowledgment by Ofcom of the CPBF response to the public interest test on the proposed acquisition of BSkyB Group plc by News Corporation: <http://bit.ly/16O8J9e> pp.118-19.

[j] For the Guardian coverage of Hardy's report to Ofcom: <http://bit.ly/92noGq>