

Comment to the Convergence Think Tank by Professor Richard Collins, the Open University.

Barriers to entry have fallen, connectivity (particularly to the home) is improving and falling prices and improving skills make it possible for many to produce and disseminate what formerly was possible only for a few. Technological change, convergence, thus offers the chance to move forward on realising long standing objectives in media and communications notably:

- Developing the creative and cultural industries.
- Sustaining social solidarity and inclusion.
- Improving media accountability.
- Extending democratic engagement.
- Strengthening diversity and pluralism.

Both the successful liberalisation of the UK's communication markets and the increasing difficulties of regulation through entry control and conditions of licence mean that government's role should be to:

- Use competition law and, where possible and appropriate, *ex ante* powers to inhibit abuse of dominant positions and incumbent power.
- Foster universal access to the means to communicate (both access to connectivity and the skills required to use connectivity effectively).
- Support provision of diverse and high quality content where there are market failures and/or a case for "infant industry"/new entry support.
- Promote effective self-regulation.
- Build on the procedural successes of the past, notably the practices of public consultation, Parliamentary scrutiny, impact assessments, giving of reasons etc.

Broadly, this means building on the government's policy and regulatory successes. But there are several "legacy" or transitional issues that require specific policy initiatives. Notably:

- Redrafting of legislation (notably the Communications Act 2003) in recognition that the "regulatory bargain" whereby access to markets/spectrum was traded off for public service content and performance in broadcasting is (almost) a dead letter.
- Review of the scale, allocation and effectiveness of public financing of broadcasting in terms of value for money, quality and distinctiveness of content and diversity of supply.
- Review of the universal service policy and practice to reflect the increasing importance of skills rather than connectivity gaps.

There are also important new opportunities to realise the public value of an enormous wealth of "legacy" assets in public sector institutions (eg in museums, libraries, galleries, universities) by digitising them, effectively "curating" them and making them available over "converged" infrastructures. Premature initiatives such as "Fathom" (which involved the LSE, British Library, the V&A) and the successful,

albeit small scale, successes of initiatives such as “Scran”, supported by the Scottish Executive, and bfiScreenonline testify to the possibilities of extending access and diversifying content provision.

The fragile successes of websites such as OpenDemocracy and a variety of blogs testify to the opportunities to reinforce success (and prevent premature failure) and reinvigorate public debate and dialogue by providing public support for diversification of provision of worthwhile content. There are challenging questions around the criteria to be used to justify support (and continuation of support) for such services - Ofcom’s kite flying notion of a Public Service Publisher has opened an important debate which needs to continue – but public consultation on, for example, the criteria for award of funding, perhaps linked to a requirement for recipients to adhere to self-regulatory codes, could help. Content markets do “fail”, that is work less well than they might or should, but the scale of their failure and thus the proportionality of intervention is always in question. Convergence reshapes markets and thus the extent to which they may fail. The scale and character of intervention are thus put into question by technological change – too much intervention, and/or intervention in the wrong place and via the wrong institutions, may be as bad as too little intervention. Funding should be contestable and linked to regular review of recipient institutions’ performance: the public sector lacks the efficiency mechanism of the private sector – bankruptcy.

In its review of established policy, regulation and institutional support, the Convergence Think Tank should thus take into account of:

- The opportunities to broaden provision of diverse and high quality content both by public sector institutions drawing on their established holdings and competencies and by encouraging and sustaining new entrants.
- The importance of developing skills (eg a broadly defined and widely developed media literacy) as part of a modern, post convergence, universal service policy.

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