# Response to DCMS consultation regarding the future of Communications in a Digital Age.

*This memorandum is written on behalf of*

**CBC – Christian Broadcasting Council**

[redacted]

The Christian Broadcasting Council of the United Kingdom (CBC) wishes to give our views regarding the DCMS's request, which was published on 16 May 2011, for interested parties to submit ideas to go towards a new **Communications Review for the Digital Age**.

The members of the CBC Broadcasting and Communications Regulation Group have a wide range of experience in the radio and television industry, both in this country and overseas, as well as in the Christian community. Some members of the group have previously been involved, since the late 1980s, with submitting responses to the DCMS with ideas for future broadcasting and communications legislation as well contributing to the actual legislative process. One group member has also responded regularly to the Ofcom consultations on behalf of CBC.

Our responses to the questions posed balance the necessity for changes to be made to communications in a digital age with the requirement that new methods of communication take into account the wide needs of all people within the United Kingdom. Our response to this consultation reflects our Christian beliefs and values which can be high-lighted by quoting from the Book of Colossians 3:17 (The Message) which says, "*Let every detail in your lives—words, actions, whatever—be done in the name of the Master, Jesus, thanking God the Father every step of the way.*"

We give below our responses to the questions that the DCMS has posed in this consultation.

## Growth, innovation and deregulation

***Q1. What could a healthier communications market look like? How can the right balance be achieved between investment, competition and services in a changing technological environment?***

A healthier communications and media market will not only have large companies operating in it but will allow for increased opportunities for other models of organization to be part of the market. For example with the removal of the restrictions on faith-based broadcasters in the Broadcasting Act 1990 and the Communications Act 2003 today there are two national DAB Christian radio services out of 29 national & quasi-national DAB stations but none among the 8 national analogue radio services; both these Christian radio services operate using a predominately listener-supported financial model. Therefore in order to facilitate a healthy market any remaining restrictions on entry into a given sector of the market need to be removed thus allowing, for example, for local radio operators, whether commercial or community, to operate local TV or be an investor and/or participant in local print media.

We are pleased that elements of legislation in the Digital Economy Act 2010 have led to the commercial radio sector being able to consolidate their operations to provide a common service across transmitters, which are licensed separately, thus enabling the stations to be on a firmer financial footing. This however seems to have thrown up an anomaly where community radio services cannot be licensed if one of the separately licensed transmitters of the ILR (Independent Local Radio) service serves a population of less than 50,000. We would suggest that this anomaly is corrected as soon as possible as this would facilitate a healthier local broadcasting market. We would also like to see a relaxation in the rules governing both commercial and community radio, especially the on-air advertising income restrictions on community radio licensees.

***Q2. What action can be taken to facilitate greater innovation and growth across the wider competition regime, and how can deregulation help achieve this?***

Both nationally and regionally/locally broadcasters and communication organizations need to be encouraged, possibly through tax breaks, to become involved with educational institutions. It is often in schools and universities that individual students and/or faculties come up with ideas that later become the next 'big idea'. For example a Leeds University student, and film fan, started the IMDb (Internet Movie Database) which today is the most popular entertainment website in the world.

***Q3. Is regulatory convergence across different platforms desirable and, if so, what are the potential issues to implementation?***

While we support regulatory convergence across different platforms we trust that the use of free-to-air broadcast spectrum will remain at the main method of distribution for both radio and television in this country.

***Q4. What barriers can be removed to facilitate greater exports and inward investment and make the UK more globally competitive in digital communications?***

The government needs to facilitate greater exports and inward investment by negotiating agreements with other countries that remove restrictions from UK digital communications organizations being able to export and invest in other markets. For example there are some non-EU states, e.g. the United States, that do not allow UK companies to own all or part of their broadcasting companies but, currently, we allow their national companies to buy up our media organizations: we need a quid pro quo arrangement with these countries.

## A communications infrastructure that provides the foundations for growth

***Q5. What further market and regulatory developments would lead to widespread take-up of superfast broadband? What regulatory action would government need to take to make superfast broadband more readily available in a) urban areas; and, b) rural areas?***

The ability for citizens to be able to afford superfast broadband seems to be the final hurdle that needs to be overcome in order for those who still wish to join the broadband revolution. If, for public policy reasons, the government believes that the whole country needs to have broadband (whether superfast or just fast) then a scheme for the over 75s, similar to the Digital TV Switchover Scheme, needs to be put in place with the appropriate funding. Encouragement needs to be given to Wi-Fi Broadband operators to roll-out their networks to the rural parts of the country where cable or BT infrastructures are not available.

***Q6. What are the competing demands for spectrum, how is the market changing and how can a regulatory framework best accommodate any rapidly changing demands on spectrum and market development?***

We believe that spectrum needs to be safeguarded for free-to-air broadcasters. Other parts of spectrum need to be made available for the various mobile operations and Ofcom should continue to work with interested parties to see that their regulatory framework is both clear and transparent. It should be noted that free-to-air national DAB networks only require around 300 transmitters to cover over 90% of the UK population whereas if mobile broadband was used to reach the same population with radio broadcasts it would need over 16,000 transmitters and even then a lot of roads and railway routes would still not be covered. We believe that the FM band (88 – 108 MHz) should be kept for the use of local and community radio broadcasters for whom the local DAB multiplex areas are too large. We therefore welcome the recent Ofcom consultation, published on 22 June 2011, regarding their **"Approach to DAB coverage planning."**

An idea for the future use of the FM band can be found in the CBC presentation – **"Is the future of Christian radio DAB or FM or both?"** at: www.cbc.org.uk/1kit/LinkClick.aspx?fileticket=DrXFnC7Jnkg%3d&tabid=2909&mid=16968

***Q7. How should spectrum be managed to deliver our growth objectives whilst also meeting our policy objectives of furthering the interests of citizens and consumers in relation to communications matters?***

We have mentioned in our answer to Q6 that spectrum needs to continue to be made available for free-to-air broadcasting both for radio (predominately for DAB & FM broadcasters) and television (terrestrial and satellite). The costs of free-to-air broadcasting costs are fixed regardless of the size of the audience, once the transmitters are in place, whereas the cost of providing radio and TV access to citizens via the internet or mobile phone/device rises with the need to provide more infrastructures to meet any increase in demand. The cost to the citizen of listening or viewing via the internet or mobile phone/device therefore, of necessity, rises. Already in the UK, the average amount of data you get with an iPhone or an Android phone is 500MB a month yet some US research (Nielson) shows that the average data consumed by an iPhone is 492MB a month and the average data consumed by an Android phone is 582MB a month. In addition, in Canada, some ISPs (Internet Service Providers) are already looking at charging 'Pay-per-minute' as the number of people listening to the radio or viewing television or films continues to rise. It would appear that 'Pay-per-minute' radio & TV does not work on its own if we are to continue to provide radio and TV services for all citizens.

***Q8. How should the UK engage on an EU/International level in relation to spectrum?***

The UK should continue to have a strong presence at future ITU (International Telecommunications Union) conferences. We should also work to see that conflicting uses of spectrum (e.g. Band III) between neighbours does not hold up the roll-out of DAB broadcasts in the UK to areas such as the Kent coast, the Channel Islands and parts of Wales.

***Q9. Is the current mix of regulation, competition and Government intervention right to stimulate investment in communications networks?***

In order to roll-out communications networks, especially to rural areas, we believe that tax incentives should be considered to locally-based organizations, including charitable bodies, which wish to facilitate Wi-Fi networks. The erection of transmitters to enable these networks to operate should not be restricted by planning legislation. Where a cable company wishes to extend their network to previously difficult to reach areas then the possibility of tax breaks should be investigated.

## Creating the right environment for the content industry to thrive

***Q10. Are there disproportionate regulatory barriers to investment in content? If so, what are they and how can increased investment in UK content production be encouraged?***

The acquisition of UK produced content for UK broadcasters needs to be encouraged. Initiatives in television like BBC Films and Film 4 already bring to our screens excellent examples of UK content production and BBC Radio produces wonderful drama. Incentives for commercial or listener-supported broadcasters to commission more UK content could be done through incentives, including relaxation of sponsorship regulation plus possible tax breaks, so that content sponsors are enabled to provide money to make programmes for both radio and television.

***Q11. Should the core focus of public service broadcasting be on original UK content?***

We believe that it should be the core focus of PSBs (public service broadcasters) to originate UK content.

***Q12. What barriers are there to innovation in new digital media sectors, including video games, telemedicine, local television and education?***

We believe that any barriers to the involvement of educational establishments with local television should be removed. In other countries, such as the USA, local television stations are sometimes operated from university campuses and even owned by the university (e.g. WNEG-TV is owned by the University of Georgia Research Foundation). Cooperation between educational establishments and local businesses, including local radio stations, to operate local TV stations needs to be encouraged and so any cross-media restrictions in legislation should be removed even if there is only one local newspaper and one local radio station in the area. We would recommend that local faith groups are invited to participate and possibly have a representative on the board of the local TV stations.

If we are to use the internet for the practice of telemedicine then there needs to be strong NHS Regulations in place that will ensure that each country of the United Kingdom has the same strict controls in place in order to insure that the GP (general practitioner) or pharmacy issuing the prescriptions stay compliant. We would suggest that a joint NHS and DCMS working party is set up to look into the regulatory position.

***Q13. Where has self- and co-regulation worked successfully and what can be learnt from specific approaches? Where specific approaches haven't worked, how can the framework of content regulation be made sufficiently coherent and not create barriers to growth, but at the same time protect citizens and enable consumer confidence?***

We know that UK-based Christian broadcasters do undertake their own self-regulation in order that some of the programmes that they broadcast, which originate overseas, do conform to the UK Broadcasting Codes. There is, however, some content that is available on satellite TV channels in this country that does not appear to conform to UK Broadcasting Codes as the channels up-link from outside the UK. We would suggest that the Secretary of State holds discussions with his EU colleagues to come to some arrangement that would enable all satellite radio and TV transmissions in Gaelic, English, Irish and Welsh to conform to the respective UK and Irish Broadcasting Codes. Similar arrangements could operate across the other language areas of the EU. Such arrangements would help protect citizens and enable consumer confidence.

We hope that our comments are of help to the DCMS in their decisions with regard to future broadcasting and communications legislation.

Yours truly,

J Peter Wilson — Consultant to CBC on Broadcasting Regulation

Mrs Olave Snelling — Chairman of the CBC Executive Council

28 June 2011

*The Christian Broadcasting Council, known as CBC, was founded in 1983:*

- ✓ *To stimulate and promote the knowledge of the Christian faith and the propagation of the Gospel of Jesus Christ through the broadcasting media in the United Kingdom.*
- ✓ *To encourage the highest standards of Christian media communication.*
- ✓ *To support and develop the knowledge and standards of all those involved in broadcasting.*
- ✓ *To bring together in fellowship those working in broadcasting and those who support the vision of CBC, under girding and encouraging them in their spiritual lives.*

Members of the CBC Broadcasting and Communications Regulation Group are:
Revd. Jonathan Alderton-Ford – Church of England Minister & member of the General Synod, Mr. Ian Robertson – Premier Christian Radio, Mrs. Olave Snelling – Chairman of CBC & Broadcaster, Mr. Daniel Webster – Evangelical Alliance and Mr. J Peter Wilson – Broadcasting Consultant & former Radio Station Director