

Rt Hon Jeremy Hunt MP  
Secretary of State  
Department for Culture, Media and Sport  
2-4 Cockspur Street,  
London SW1Y 5DH

Our Ref: 2062.DCMS.CMCL.MK

27/06/2011

Dear Secretary of State

### **Response to the Communications Review Open Letter**

The Isle of Man Communications Commission is a Statutory Board of the Isle of Man Government, with responsibility for licensing and regulating telecommunications and broadcasting.

Under the Broadcasting Acts (of Tynwald), the Commission licenses and regulates programme services provided from places in the Isle of Man and has responsibility for furthering the interests of the Isle of Man in the whole area of broadcasting. The Commission is required to keep under review the reception, quality and content in the Isle of Man of programme services provided from places in the Island or elsewhere. Under the Telecommunications Act (of Tynwald) 1984, the Commission is also required to act in a manner which it considers is best calculated to promote the interests of consumers, purchasers and other users of telecommunications services in the Island.

As a statutory body of a separate jurisdiction, the Commission is only in a position to comment on the parts of your recent Communications Review Open Letter that relate to the Isle of Man. The DCMS will be aware that a significant amount of the Communications Act 2003 has been extended to the Isle of Man by an Order in Council.

In the DCMS's Open Letter, there are four questions that have particular relevance to the Island: Question 5, concerning the promotion of the widespread take-up of superfast broadband in the UK; Question 7 on spectrum management objectives, Question 8 on how the UK should engage internationally on spectrum issues and Question 11, which looks at "original UK content" as a possible core focus of public service broadcasting.

#### **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 current main regulatory intervention by the UK Government to promote the take-up of high-speed broadband is funded through a top-slicing of the Television Licence Fee. This money is disbursed throughout the UK in promotion and subvention of high-speed broadband. None is spent in the Isle of Man, even though there is a legal obligation under the Communications Act 2003 as

extended to the Isle of Man for Island residents to pay the TV Licence Fee. The contribution to the TV Licence Fee funds from over 33,000 households in the Isle of Man amounts to almost £5 million every year.

The Isle of Man Communications Commission appreciates that aim of the DCMS is to promote further market and regulatory developments to ensure the widespread take-up of superfast broadband. However, the Commission also believes that the development of superfast broadband should be ensured throughout the geographical region from which the funding used comes. The significant financial contribution of the Isle of Man nation to both the funding of public service broadcasting and the top-sliced fund for broadband roll-out should be acknowledged and, as with the digital switchover help scheme underspend, an appropriate percentage of the broadband fund should be apportioned automatically, without conditions, to the Isle of Man. Such a position is one which for the purposes of fairness of treatment and democratic accountability must realistically be recognised by the DCMS

**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?**

It is very important that the UK Government and Ofcom remain aware that, in spectrum management, they represent not only citizen consumers in the UK, but also the Isle of Man. As the Isle of Man has its own significant communications interests, and as these interests bring significant benefits to both the non-UK and UK areas they serve – it is important that the UK Government and Ofcom should always consult with the relevant Isle of Man authorities (Isle of Man Government and the Communications Commission) on the formulation and execution of spectrum policy and management. Maintaining an awareness of the interests of non-UK areas in spectrum management, will benefit everyone, and will ensure the best use of spectrum resources throughout the British Islands.

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

As stated in our answer to Q7 above, it is critical that the UK Government and Ofcom are mindful that they also represent non-UK areas such as the Isle of Man. UK spectrum policy and management should ensure that they also represent Isle of Man interests through active consultation and engagement with the appropriate Isle of Man authorities. The UK should actively consult all parts of the British Islands that they represent and take their views, needs and considerations into account when acting at regional, national and international levels with regards to spectrum matters.

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

The main public service broadcasting (PSB) intervention in the UK is that of the Television Licence scheme. This is used mainly to fund the PSB operations of the BBC, although recently some has been allocated firstly to help those less well prepared to deal with television digital switchover, secondly to aid with the roll-out of broadband (q.v. Q5), thirdly to fund BBC World Service and BBC Monitor and finally to fund S4C.

The Isle of Man Communications Commission agrees that the core focus of public service broadcasting (PSB) should be on original content from all areas contributing to PSB funding, whether directly through the TV Licence Fee or through advertising revenue from viewing – i.e. from all areas of the British Islands, and not just from the UK. Thus, the Commission believes that PSB should not only focus on original British content, but that the UK Government and the BBC

also need to ensure that all regions and nations, including the Isle of Man, are fully represented in this.

At a time when OFCOM is increasingly backing down from making ITV fulfil their PSB obligations regarding many genres, including properly funded regional content, the onus falls increasingly on the BBC to ensure that all regions, nations and constituent elements of the British Islands – all of which contribute to the Licence Fee funding of that broadcaster – are properly represented in news, current affairs, and in content provision and production. Such matters fall to the responsibility of the DCMS and the BBC Trust to ensure that this representation of all contributors to PSB funding receive adequate representation for their contributions.

The Isle of Man Communications Commission therefore calls upon the DCMS to ensure that the licence fee funds are allocated to all areas (and people) from which they are drawn.

Yours sincerely

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Director