



Chelmsford Amateur Radio Society

Established 1936

Affiliated to the RSGB

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Response to 'Better Policy Making – Ofcom's Approach to Impact Assessments'

Introduction

Chelmsford Amateur Radio Society (CARS) is a vibrant club with over 100 active members holding amateur radio licences. Based in and around Chelmsford, Essex, it is nationally recognised as playing a very active role in amateur radio across a wide range activities including social, operational and development/training aspects. The club is affiliated to the national body, the Radio Society of Great Britain (RSGB).

CARS members collectively have a huge range of technical experience and operate from HF to the microwave bands. With roots going back to the 1930s, the club draws much of its membership from professionals in the electronics and radio field. The club incorporates a dedicated training team who have been strong supporters and implementers of Ofcom's current amateur radio licence structure and training/examination regime – training 50 licensees a year.

Chelmsford Amateur Radio Society

Better Policy Making - Ofcom's Approach to Impact Assessments

During the first quarter of 2005, Chelmsford Amateur Radio Society (CARS), both as a club and as individual members have felt obliged to participate and respond to several Ofcom consultations, including the Annual Plan, Car Radar, Spectrum Framework Review, Ultra-Wideband, Radio Review (DAB), and Digital TV Switchover.

Whilst we feel the club and its members has been motivated by the best of intentions, we feel that a proportion of this effort would not have been necessary if Ofcom's policy making process had been better informed and balanced. CARS therefore welcomes this opportunity to make a submission to this particular consultation which we hope will lead to wider improvements. Whilst there were no specific questions in the Ofcom request, we have structured our response in the same manner as the consultation document.

Consultation Issues and Answers

Issue 1:

Introduction – Why are Impact Assessments Important?

CARS generally agree with this chapter but does wish to take issue with the use of the quote in Paragraph 1.1. Ofcom refer to the Better Regulation Taskforce version of the well-known phrase 'If it ain't broke – don't fix it'. Unfortunately Ofcom singularly fail to consider this as a valid policy option, and have re-interpreted 'Doing Nothing' as 'Withdrawing from Regulation'. This is not the same, and many Ofcom proposals make this mistake.

When it comes to Spectrum matters, where bands are increasingly shared, emissions do affect other users. Deregulation threatens good orderly use (and Ofcom's stated desire for Spectrum efficiency), just as much as over-regulation.

Whilst we generally agree on the generic term 'Impact Assessment', in some cases the treatment should be more akin to 'Risk Assessment'. The difference is that processes based on the latter are more formal, and can track the impact of changes once they are made.

Issue 2:

What is an Impact Assessment?

Again this section is largely okay. However as mentioned above Risk Assessments are not being seen in the accepted good-practice format that industry is accustomed to. This section also highlights Ofcom's top level duties from the 2003 Act which are:-

- 3(1) It shall be the principal duty of OFCOM, in carrying out their functions-
 - (a) to further the interests of citizens in relation to communications matters; and
 - (b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.

We would maintain that Ofcom has as times paid inadequate attention to 3(1)a, and that this can conflict with 3(1)b. This has been partly acknowledged in the Annual Plan and has been evident recently.

Recent examples

- Dearer and more fragmented services to citizens for Directory Enquiries
- Clearly ignoring citizens preferences for audio quality on the (DAB) Radio Review consultation
- The original Framework Review proposal to deregulate Amateur Radio, which would be to its detriment

Issue 3:

How do Impact Assessments fit into the Ofcom policy making process?

Plenty of fine words are evident in Section-3 of the Ofcom document. At times we would actually welcome them being practised. We do take issue with one item though. An Impact Assessment should be neutral in tone. Whilst it may inform a subsequent proposal or a preferred option, it should not in itself be inherently biased. Changes to impact assessments should be made crystal clear in later iterations of paperwork.

Example of Impact Assessment Bias:

Despite clear submissions to the contrary from the Maritime and Coastguard Agency, Ofcom biased the Impact Assessment on the Deregulation of Maritime Radio Licenses, to gloss over the loss of valuable data for Search and Rescue (SAR) activities.

Issue 4:

When will Ofcom do an Impact Assessment?

The judgement of 'when' and 'how important' seem very much in Ofcom's court, which does make us uncomfortable given the multiple/confusing lines of accountability that Ofcom has to Government, Parliament and Citizens.

Issue 5:

Defining the issue and identifying the citizen/consumer interest

To coin a phrase – 'Its good to talk'. Unless they are avid Ofcom website/email readers many people who may be affected can be overlooked. For a communication organisation, this is an Ofcom weakness.

Better prior homework and engagement would have

- a) Avoided much of the flurry of activity on Amateur Radio Deregulation
- b) Realised that Citizens are the Consumers for Radio – the DAB review was far too biased to serve industrial/commercial interests, whilst ~100 citizens complained about audio quality

Issue 6:

Defining the policy objective

Again, we disagree that Competition or De-Regulation for its own sake is necessarily the best option

Issue 7:

Selecting the options

We strongly object to the term 'doing nothing', (i.e. maintaining the status quo) being interpreted as deregulating. It should be neither regulating more or less

We note Ofcom's preference for de-regulation. However 'If it ain't broke, don't fix it' may mean that the status-quo may result in lower costs, greater stability etc for citizens/consumers. Likewise not being 'technology neutral' sometimes be a better option. Consideration of end users must have priority.

Issue 8:
Assessing the impact on different types of stakeholders

Ofcom needs to be far more specific when it considers impacts

We frequently find that impacts are measured only in financial terms

Impacts need to consider

- Innovation
- International law, co-operation and long range/anomalous propagation
- RF System Test and Development (which often needs long timescales for payback)
- Future uses of spectrum, preservation of the EM Noise floor, sharing with other users etc
- Citizen literacy regarding the issues
- UK Science, Research, Education and Training
- Impact on non-commercial services – Charities, Earth Science, Weather Forecasting etc
- Homeland Security
- Public safety (emergency comms, SAR databases etc, rf exposure)
- Potential for Abuse - either technical or market
- Benefits to UK Industrial/Manufacturing base (which is distinct from the overall economy)
- UK Balance of Payments
- Human Rights Legislation and the European Court

Spectrum matters need reliable information on allocations to determine shared use etc. This would have avoided thousands of Car Alarms being jammed on 430MHz, the embarrassing corrigendum issued on 79GHz car radar, and current arguments on UWB regarding ignoring future services.

Ofcom seems greatly reliant on certain external consultants. Given that many have close connections with Ofcom's staff and OSAB, we are concerned regarding their independence, remits etc

Ofcom's Consumer panel is too orientated to Telecomms and Broadcasting. There is a gap on Wireless and Spectrum matters

Issue 9:
Choosing the best option

Largely okay but we would take issue with 5.25 – Ofcom need to consider longer term benefits and users. Ofcom should also make clear what appeals procedure is available.

Issue 10:
What form does an Impact Assessment take

No comment, other than we haven't seen much evidence of follow-ups as referred to 6.2