

To: PSBReview

Subject: Terms of Reference - 2nd PSB Review

Dear Ofcom,

Ofcom's Second Review of Public Service Television Broadcasting: Terms of Reference (1.2) draws attention to the 2003 Communication Act's requirement for Ofcom "to make recommendations with a view to maintaining and strengthening the quality of PSB in the future".

For three decades there has been a strong public demand for PSB programming to be made available at a smaller scale than regional TV has been willing or been able to deliver.

This demand has been identified repeatedly in IBA, ITC and Ofcom published research since the 1970s.

For the last regulator Jane Sancho provided evidence in the ITC's Pride of Place study (Sancho 2002) that so long as quality was high viewers wanted local TV to replace regional ITV – in a scenario that regional programming from ITV would be withdrawn in the future. Furthermore the introduction of Local TV was necessary as a universal service:

The fact that some areas might not be catered for at all was unacceptable, as was the fact that local news might not be provided because the costs would be prohibitive (Sancho 2002:9)

In 2003 the BBC Scotland Journalism Review found 81% of Scottish viewers wanting a local news bulletin. Apparently this was an "unexpectedly high demand" for the BBC. (Peat 2006:13) resulting in the BBC attempting to pass the Local TV demand onto text and radio and in turn to recharacterise a local demand in favour of the BBC's willingness to provide 'regional supply'. (Peat 2006:13)

Robin Foster's analysis provides the theoretical justification for reducing regional non news programming (Foster, 2004). The regulator evidence demonstrates that real opportunity cost of regional TV programmes is not addressed by replacement with present alternatives comprising more national and acquired programming - but with the introduction of local TV because is the scale of service that is in demand. Favouring the supply side over consumer or more particularly citizen demand results in little change but an expansion of unwanted options within which the viewer can only register involvement as a simplistic 'choice'.

On a less supplier oriented identification of spectrum's 'technical' efficiency Martin Cave (2006) provides criteria by which to recognise multi-channel television on terrestrial frequencies as extremely wasteful. How many channels can each household watch at any one time? This is not a new discovery, the IBA research of 1988 cautioned against an expansion of channels as precipitating spectrum waste: "any unregulated addition of new channels is likely to increase the amount of 'redundant availability'". (Wobber and Kilpatrick 1988:9)

In 1995 the Shadow Minister for Broadcasting borrowed the words of Bruce Springsteen "two hundred channels and nothing to watch" highlighting the "gaping hole in the Government's proposals to provide local services rather than more of the same" (Hansard 7th December 1995). Multi-channel choice continues to waste spectrum because large-scale and national terrestrial broadcasting does not deliver

quality or relevance so that many of these channels remain largely unwanted (ACTO 16, 2006) and mostly unwatched (BARB, 2007). These channels are utterly wasteful of terrestrial spectrum. And “in terms of satisfaction with television what is noticeable is the absence of special pleading [among viewers] for more quiz shows, sport, soap operas”. (Svennevig 1989:2). Local regulation is long-overdue and is now vital to subject digital spectrum to local economic and cultural accountability. Exploring the best means to devolve PSB regulation and spectrum allocation should therefore be central to the Terms of Reference of this Second PSB Review.

Regulators have not found public support for providing greater choice at the expense of maintaining or improving quality – “nine out of ten viewers want better quality programmes, rather than more channels” (Svennevig 1989:13). The IBA concluded that contrary to the proposal that choice should be achieved by increasing the number of channels in fact “maximum choice is achieved through scheduling diversity and range on fewer channels” (Svennevig 1989:5).

The Ofcom research conducted by Holden Pearmain and ORC International Research (HPO 2006) is a damning indictment of Ofcoms ‘evidenced’ support for spectrum trading and further liberalisation of regulation with a proportionate reduction of public service broadcasting (universal access) and content.

HPO found the public requiring strong regulation and government intervention to provide quality DTT services and local TV which should be “available on TV at home” (HPO 2006:5.27). HPO also found “a strong feeling that at the heart of any discussion about the value to society of DTT (or indeed any service) must come the principle of universal access”. As with Sancho (2002) the 2006 study found “respondents commonly felt that no segment of society should be denied access to the benefits of new DTT services because of financial, geographical or other barriers” (HPO 2006:5.16)

In HPO local television is one of the most wanted services sought from the digital switchover: to be delivered as a universal or public service ‘regardless of financial, geographical or other barriers’.

In the Scottish elections in May 2007 three parties included broadcasting devolution (Scottish Nationalist Party 2007) and/or ‘local community broadcasting’ (Scottish Green Party Manifesto 2007:12-13) and ‘local television’ (Scottish Liberal Democrats Manifesto 2007:82) in their manifestos. Taken together these parties now comprise a majority of MSPs in the Scottish Parliament in parties committed to work with ‘stakeholders to realise’ (SLD 2007:82) local and community media.

Taken together the evidence is supported by democratic mandate supporting the introduction of local television as public service, demonstrated most frequently (in Scotland) by popular vote.

It is very surprising that Ofcom makes no mention of plans for the introduction of local public service television in the (draft) Terms of Reference for Ofcom’s Second Review of Public Service Television Broadcasting.

The work on Local TV undertaken by Ofcom in 2006 - in the form of a scoping exercise that did not go out to consultation - proposes limiting the proposed PSP (public service publisher/platform) to broadband local content. Press statements by senior Ofcom officials translated this scoping exercise into policy, completely contradicting Ofcom’s principled stand on evidence based policy. Although evidence that Local TV was necessary and wanted in as DTT was found in the First Review of

PSB and in the subsequent Digital Local (Ofcom 2005) this scoping exercise excluded DTT as a platform for the delivery of local content. When doubts were first raised about the self-fulfilling pursuit of Ofcom's policy formation Local TV on DTT was to be the subject of a parallel study, which never materialised. The crudity of Ofcom's advancing Local TV as local content limited to broadband was presented with documentation in the form of a written complaint to the Ofcom Consultation Champion Vicki Nash. This was then subject to a meeting and discussion with Vicki and Joyce Taylor of Ofcom's Consumer Panel, the conclusions from which were not circulated published.

However at a recent Local TV Stakeholder meeting (Ofcom Seminar 030907) Ofcom brought DTT back into the frame for the delivery of Local TV, drawing less partially on the evidence in Digital Local by reaffirming that 'Ofcom's policy on local' included:

"broadband [is] important as well as DTT, offering greater flexibility and interactivity
DTT [is] valuable in ensuring reach and impact of local services"

This September 2007 presentation then added that in planning for the future introduction of local TV

"Further work on [the] case for public intervention to support local content services to be carried out in the forthcoming PSB Review" (Ofcom Seminar 030907)

The plan for further work on public intervention to support local content services on DTT is missing from the Terms of Reference of the Second Review

Local TV remains the most significant 'additional' public demand for PSB (or universal service) (HPO 2006).

Local TV is necessary to revitalize "maintain and strengthen PSB in the future" (Ofcom, 2007) in a future increasingly devolved in a more locally diverse and empowered political and cultural environment. Would it be wide of the mark to suggest that fear of greater local broadcasting responsibility explains Ofcom failure to address this particular well evidenced demand?

With regards,

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Refs:-

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