

Safeguarding Public Service Broadcasting on DTT. A National Union of Journalists response to Ofcom's Consultation on the Future of Digital Terrestrial Television.

The National Union of Journalists welcomes Ofcom's review of the future of Digital Terrestrial Television especially as Ofcom itself states that DTT will become the way in which it ensures that the whole country has access to Public Service Broadcasting, free-to-air. Ofcom has a responsibility to fulfil its legal obligation to 'maintain and strengthen' public service broadcasting (PSB) in the UK therefore the way that PSB is handled and treated that is of utmost importance. In the NUJ's view, PSB must never be allowed to become 'the poor people's broadcast service', ghettoised into a corner of the Television landscape where only the desperate and the needy go, because there is no profit to be made from them and no-one else wants them.

The Context

The UK has a proud tradition of Public Service Broadcasting, rooted in both the public and private sector. This PSB has served our democratic and economic credentials enormously, not least making UK television among the most envied TV service across the world. It has also contributed significantly to the UK economy as well as enhancing the UK's reputation. But both private and public based PSB are currently under threat. ITV recently announced its intention to drastically reduce the regional news coverage it provides, which is a cornerstone of its PSB commitment. The BBC is also in the middle of a process which could result in thousands of staff being made redundant, affecting every area that the corporation operates in. It is against this background that the review of DTT is taking place, and therefore it is imperative that PSB is guaranteed an equitable place at the heart of DTT in the future, no matter what shape it eventually turns out to have.

The Future

The NUJ welcomes Ofcom's willingness to use intervention to ensure that DTT is developed in the most appropriate manner, and it agrees that 'not intervening in this case risks a worse outcome for citizens and consumers'. The NUJ also welcomes Ofcom's recognition that 'there is an important public interest in the use of the capacity on the DTT platform and the capacity that can be created through this process. This public interest may not in all cases be perfectly aligned with the interests of the parties who would need to co-ordinate.'

It is only natural that Ofcom intervenes in this way, as it was Ofcom's predecessor, the Independent Television Commission that, in 2002, awarded the licences to operate Multiplexes B, C and D to the Freeview consortium (which incorporates the BBC, BSkyB and National Grid Wireless [Crown Castle International as was]). The Freeview bid was one of many proposals from various organisations to operate the multiplexes following the collapse of their former operator, ITV Digital.

The NUJ also welcomes Ofcom's proposals for improving the efficiency of post Digital Switchover DTT by introducing the new technical standards of MPEG-4 and DVB-T2 simultaneously. The NUJ also recognises that the most effective way of introducing the new technology in the short term is by clearing and upgrading one multiplex and reorganising the other multiplexes to absorb the displaced services from the cleared multiplex.

The NUJ has no objection to the proposal that the most appropriate multiplex to clear and upgrade is Multiplex B, currently operated by BBC Free to View Ltd, as long as the commitment given in the proposal that the displaced services from this multiplex are accommodated on the other two PSB multiplexes, Multiplex 1 (operated by the BBC) and Multiplex 2 (operated by Digital 3 and 4) is adhered to. The NUJ is reassured that this proposal ensures 'that sufficient capacity is available for all PSB services on Multiplexes 1 and 2...S4C, the Gaelic Digital Service (GDS) and TG4 will be available on a PSB multiplex...and Five will be available to 98.5% of the UK population.' The NUJ is also reassured that the current availability of existing DTT PSB would be unaffected by these upgrading proposals, and seeks a guarantee that this would be the case regardless of the outcome of this DTT review.

The NUJ also welcomes Ofcom's proposal to invite 'the organisations with PSB status (which Ofcom has named in this consultation as the BBC, the Channel 3, 4 and 5 licensees, and S4C. The NUJ would like clarification as to the PSB status of the Channel 5 licensee, as under the Communications Act 2003 the NUJ understood that the Channel 5 licensee did not have this PSB status) to put forward proposals for the use of the capacity' on the freed up multiplex, multiplex B, and that Ofcom will use 'promoting the purposes and characteristics of PSB' as one of the criteria that is being used to select the successful operator of Multiplex B. The NUJ is seeking reassurance that no other organisations will be allowed to apply to operate the multiplex, unless they fulfil specific PSB characteristics.

Upgraded Multiplex B Proposals

As Ofcom itself states that by using new technology, Multiplex B could provide four High Definition services by 2012 (and three from 2009/2010), the NUJ believes that the simplest, cheapest and most effective decision to take would be to allocate one HD service to each of the main PSB broadcasters (the BBC, the Channel 3, 4 and 5 licensees) in return for defined public service broadcasting commitments. The NUJ believes that this would ensure that PSB remains at the forefront of television broadcasting. It would also help to prevent the ghettoisation of PSB, and it would make HD PSB available to the same level of the UK population that can receive SD PSB. The NUJ also believes that this would also ensure that the new HD services would be free-to-air and consequently this would encourage as many consumers as possible to invest in the new equipment that is necessary to receive these services, thus ensuring the future establishment and growth of the new technology on DTT.

Ensuring Equitable PSB Presence

Awarding DTT capacity to PSB in this way would have many other benefits. A digital version of the PSB compact could be created. In the same way that the analogue PSB compact relied on the terrestrial broadcasters providing certain desirable PSB goals in return for access to the analogue spectrum, this could be reaffirmed on DTT with the same or similar PSB goals in return for space on the PSB multiplex (Multiplex 2 for ITV and Multiplex 1 for BBC) coupled with the HD service on Multiplex B. This would then provide the sound foundations for terrestrial HD, which would encourage consumers to invest in the new technology needed to receive the service, which in turn would create the required customer base that other commercial operators would need to have to encourage them to develop other HD or similar services that use the new technological standards alongside the existing PSB services, as other multiplexes are upgraded. This would then lead to and help create the ‘virtuous circle’ that Ofcom hopes will lead to more consumers having the necessary equipment to receive the new services, and then more and more new services being made available and the cost of the new equipment falling.

This could also be used as one lever to ‘maintain and strengthen’ PSB programming in general, and in particular, the provision of regional, national and international news coverage. There may be some technical hurdles to overcome in the provision of regional news on any service that uses Multiplex B, but the NUJ believes that these could be addressed as part and parcel of the upgrade to use both the new technologies on Multiplex B that Ofcom is looking at. Other levers could also be used (some requiring primary legislation) like tax exemptions or reductions concerning licence fees or any other type of fee or levy that is subsequently introduced. These ideas will be explored further in our response to the Public Service Broadcasting Television review.

The NUJ notes and has campaigned against the relaxation over recent years of ITV PSB commitments. At present for ITV, the key component of its PSB offering remains its regional, national and international news. The NUJ also notes a suggestion by Ofcom that national and international news would continue even if there were no regulation on ITV1. However, the NUJ does not accept this view. It is imperative that ITV remains committed to providing a quality news service. Although the economics of such programming remain favourable, and the current leadership of ITV appear committed to national and international news, this cannot be taken for granted. Owners change, as do the economics of broadcasting. Therefore Ofcom needs to ‘future-proof’ the delivery of this public good by ensuring that effective regulation is in place.

In analogue terrestrial television, the Government has enshrined certain ‘listed’ events (e.g. sporting) in legislation. These must be available to the public free-to-air. In the digital age broadcasters holding PSB status could be given certain commercial advantages in bidding for these specified ‘listed’ events, particularly if they gave a commitment to broadcast these events in the new HD DTT format. As above, in return, broadcasters would commit to providing free-to-air content in DTT HD, including providing specific PSB characteristics such as regional, national and international news.

Conclusion

The NUJ welcomes the start of Ofcom's Digital Terrestrial Television review and we will fully participate in the continuing debate about all broadcasting-related issues. Our response to the 'Future of Digital Terrestrial Television' document should be considered in the context of our continued participation in this wider debate. We urge that the regulator considers the use of DTT as part of the broader statutory review of PSB. This means that decisions over DTT should not pre-empt the outcome of the PSB review. We will continue to explore with Ofcom and others, the ideas contained within this submission and look forward to Ofcom's response. We would be pleased to have the opportunity to amplify our views as part of the continuing process.