

Comms Review – so far, a Phoney War



Roger Darlington, member of the Communications Consumer Panel and author of the blog [CommsWatch](#) reflects on the Communications Review process underway.

As Autumn takes hold and Christmas looms, spare a thought for the small group of officials at the Department for Culture Media & Sports (DCMS) who are charged with digesting some 165 submissions to Jeremy Hunt's open letter on the Department's [Communications Review](#) and drafting a Green Paper by the end of the year.

Although the Department is keen to emphasize that a range of DCMS specialists is inputting into appropriate parts of the review, the review team itself is only a group of three led by Wendy Parker and the relevant resource in the Department is much smaller than it was when the original Communications Bill was drafted, while Chris Dawes has just left after 14 years of working on media policy.

Although Wendy Parker has addressed a number of groups and Jeremy Hunt made an important [speech to the Royal Television Society](#), most observers will be finding the Communications Review a rather opaque exercise. It is true that everyone was able to make an initial submission in response to the Minister's open letter but this posed 13 questions to be answered in six weeks and not more than five pages and none of the submissions has been published (apparently this will happen when the Green Paper comes out).

I have managed to collate almost 30 of the submissions – including my own – which I have summarized on my blog [CommsWatch](#) and it is clear that they cover a wide range of issues but largely set out established positions. As with the previous Communications Bill, more of the representations concern what former Communications Minister Stephen Carter used to call the poetry rather than the pipes, so television issues have attracted the biggest range of submissions with the independents pushing on the existing terms of trade.

The open letter was criticised in some quarters for being more about economic growth than public policy and more about business interests than consumers interests. Major themes emerging from the submissions include the view that growth is good but it is not everything because of vital public policy issues and that to posit a business-driven agenda vs a consumer-driven one is a false dichotomy.

Meanwhile the content and timing of the review have been dramatically impacted by the Leveson inquiry, set up following the revelations of phone hacking by News International, which will address not just newspapers but broadcasting and social media. Although the end of 2011 is still the milestone for the Green Paper, with May 2015 as the aim for a new Act, the [Leveson inquiry](#) (first tranche expected at the end of summer 2012) and the intricacies of the legislative timetable might change this. Indeed the legislation might be brought forward depending on what Leveson recommends.

To illustrate how fast the world of media moves, I invite you to consider my favourite quote from the submissions that I have seen. It comes from the PCC which states confidently:

“The Press Complaints Commission has now existed for twenty years, and represents – notwithstanding its inevitable occasional imperfections – a success story for self-regulation in a fast-moving and active industry.”

Jeremy Hunt was surely right when he told the RTS in Cambridge:

“It is also worth remembering that even without phone hacking we would have had to face some difficult decisions about media regulation anyway. If British media organisations are to develop world-beating cross-platform offerings, we need to offer sensible cross-platform regulation as well. It cannot be sensible to regulate newsprint through the PCC, on-demand websites through ATVOD and IPTV through Ofcom.”

But the way forward is far from clear. The Secretary of State continued:

“So although broadcast television will continue to be regulated to broadcast standards, when it comes to a new regulatory framework for the newspaper industry we have an opportunity to look to the future. My challenge to you is this: work with us to establish a credible, independent regulatory framework which has the confidence of consumers and we will support it as the one-stop regulatory framework to be applied across all the technology platforms you operate.

This won't replace traditional broadcast regulation. But for a newspaper industry moving to IPTV it could supersede it – giving Britain the prize of being the first country in the world where a new generation of innovative, cross-platform media companies are able to grow on the back of the world's first converged regulatory framework.”

How can we hold to a position that *“broadcast television will continue to be regulated to broadcast standards”* and at the same time aspire to *“the world's first converged regulatory framework”*? Either regulation is platform-specific or it is converged. This is the issue which I addressed in [my own submission](#) to the review.

So far, the Comms Review has been a kind of phoney war. The Hunt open letter was too open, most of the players have simply staked out their established positions, and real debate has not yet commenced (Ofcom did not even put in a submission, fearing to be drawn into policy deliberation). The Green Paper needs to narrow down the issues that Government wishes to consider, to pose the questions around those issues more sharply, and make clear what objectives can be pursued through Government policy now and what objectives will require legislation at a later date. Then an action plan needs to be drawn up with clear allocation of responsibilities and clear timetables.

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