

Comms Review Series: Hypotheses on Emerging Interests and Cleavages

In this closing post in the series I will try capture some of the main emerging interest groups, issues and cleavages. This is based on my reading and the work of my colleagues, not on a systematic coding of the submissions, so the points I make should be treated as hypotheses about the submissions rather than proven claims.

Growth Agenda or Citizen Agenda?

Jeremy Hunt's original [open letter](#) attempted to set a clear agenda for this policy cycle. His key themes were growth, deregulation and I.P enforcement. To what extent has Hunt been successful in promoting these policy issues and objectives, and excluding others? Some responses, such as those of the [Advertising Association](#) and [BSKYB](#), accepted the basic objective of growth and deregulation. Others, as [we pointed out](#), explicitly rejected the assumption, arguing that the interests of citizens and consumers in the communications sector go far beyond its contribution to GDP, and that the assumption that deregulation would lead to growth may be misplaced.

The rejection of the 'growth agenda' in favour of a more citizen oriented perspective was not restricted to some disgruntled academics however. This theme was picked up by a wide range of actors: the [All Party Group on Children's Media and the Arts](#), the [BBC](#), [Voice of the Listener and Viewer](#) all specifically questioned the balance of emphasis on growth and the importance of the citizen perspective and the democratic role of broadcast and online media. This position was paralleled by those who argued that consumer interests, such as those related to accessibility and digital literacy, are at least as important as growth and also might be drivers of it.

Public Funding for Content, Broadcasters and Broadband?

There is a constant battle between the BBC and its competitors based on the zero sum battle for shrinking broadcast revenue and the public funding PSB receives. The submissions broadened this age old debate with new proposals for funding PSB and UK content. The BBC, [Steve Barnett](#) and others questioned why PSBs pay for distribution. They suggested that instead PSBs should be paid for their programmes, which still enjoy large audiences, and that this additional income could be used to fund UK content. Jeremy Hunt has proposed deregulating public service and linear broadcasting, a notion supported strongly by [BSkyB](#), who also argued that the linear broadcasting model should not carry over to video-on-demand platforms. Another possibility raised – pushed for by broadband sector representative [BSG](#), and a few others – was that the universal service status of public service broadcasting be extended to broadband and that it receive more public funding.

Regulation, de-regulation, self regulation and the shape of Ofcom?

Regulatory Convergence was the theme of the 2003 legislation but many, such as [Roger Darlington](#), the [Federation of Communication Services](#), and [BSkyB](#) propose that it should continue in the next Communications Act. Whether there is any overlap between reform of content regulation and reform of press regulation will have to wait for Leveson to report. This is the more radical option and was not raised in many submissions though it was raised by [Enders Analysis](#) and implicit in the submission by professor [George Brock](#). The [PCC submission](#) (dated June 2011) restricted itself to general points about self regulation, and made the now rather forlorn point that 79% of the public are either neutral or confident about the performance of the PCC.

Self and co regulation is an area where Hunt asked for best practices and may seek to continue the trend to delegating to self-regulatory bodies. [Google](#), and the industry submissions generally, agreed but with some caveats about cost and effectiveness. As for Ofcom and its principle duty to protect consumers and citizens. BSG say they do not need to be amended, while the [British Entertainment Industry Radio Group](#) and others representing businesses in the sector argued that Ofcom should have a duty towards businesses as well.

The Battle over IP

In communications and media policymaking, various issues crystallise different constellations of interest groups and loose coalitions, and on the issue of Intellectual Property the camps are pretty clear. Rights holders have lined up against intermediaries, free culture enthusiasts and even consumer groups. The extent to which the Communications Act will offer a platform to implement the [Hargreaves review's](#) recommendations on IP and any reforms necessary to revisit the Digital Economy Act framework seems to be up for grabs. The key ongoing battle remains the extent to which internet intermediaries such as providers of search, hosting providers and broadband ISPs will be co-opted into a new 'intelligent infrastructure' of IP protection. The [Alliance Against IP Theft](#) made a predictably robust argument that they should. But as we [pointed out](#), those providers actively want to avoid any new obligations. Notably, Google doesn't even mention IP in their submission.

New Issues and Cleavages

Alongside these familiar cleavages there are some interesting new divisions opening up. Content versus networks is one obvious one. The submissions did not reflect much dissent on the issue of net neutrality, but those who mentioned it were strongly in favour. Enders Analysis argued that it is an important issue, but that legislation is not required. Others (including one Damian Tambini) argued that the Government needs to set out a framework. The idea that net neutrality must be a core principle in UK communications policy is contrary to recent trends such as webblocking and [preferential treatment](#) offered by ISPs. Even if net neutrality was not raised by many submissions, this does not mean it won't return in some form. And the issue of retransmission fees is one that is likely to feature prominently.

Finally the Comms Review cannot escape the question of *devolution*. As Philip Schlesinger has argued on [these pages](#), the Scottish Government is pursuing radical and rapid deregulatory demands for broadcasting which remains an issue regulated from London. The response of the Scottish Government repeats these demands. The Welsh are more muted asking for protection of local and Welsh language broadcasting.

Conclusions: The Policy Opportunity Structure of the Communications Review.

Did Jeremy Hunt listen? And how were these hundreds of submissions analysed by DCMS in putting together the green paper. We are about to find out. But if nothing else, the Government at least has a clear analysis of the lists of demands of the interested parties. Whether they have a clear sense of the demands of citizens, articulated by their representative civil society groups, remains to be seen.

