Local Public Service Television

Local Identity and Spectrum Rights

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INTRODUCTION

The ITV companies have long cross-subsidised the transmission costs of those more rural TV regions having a disproportionately high number of transmitters and relays. This has been an informal undertaking and is not regulated (Ofcom, 2007c)*. It can only be a matter of time before the goodwill between companies (eg ITV and SMG) to support 1152 transmitters to reach 98.5% of households is threatened by digital competition from services delivered using just 80 transmitters to reach 90% of the population (unevenly distributed by region and nation). Yet, the television licence fee is financing the construction of a comprehensive public service digital network, and it is this wide reaching asset, available for local use, which local television requires to deliver a universal service locally and 'to all', state-wide.

Economic views of spectrum use, following Martin Cave's report (Cave, 2002), have largely refocused the language of communications regulation to "depend on the feelings and attitudes of the participants in the discourse"(Searle, 2006:26). Shifting spectrum regulation into markets will absolve Government, regulator and operators of responsibility for

spectrum use by defining value and waste in market rather than technically efficient terms.

Yet regulation of the electromagnetic spectrum has represented and might continue to represent a democratic purpose, providing a shared benefit, however sub-divided, as a ‘common good’ (Shirky, 2004). For spectrum to retain this public value the devolved administrations and local authorities must assert spectrum’s democratic as well as economic purpose, securing spectrum use for each nation, region and local area to introduce a more reflective communications through locally accountable spectrum use.

The terrestrial delivery of spectrum is always local. Combinations of local transmissions from relays and transmitters are configured to provide regional, nation and state-wide service distribution. The television broadcast spectrum bands remain crucially important because these can be received using existing TV aerials and the network of terrestrial television transmitters has been supported by the TV licence fee. In short, the network of UK transmitters is supported by direct public investment by viewers while spectrum can only be used efficiently if the actual number of viewers of each service is compared with all possible users. Research suggests that local television will be more watched than the more marginal television channels that might ‘occupy’ local spectrum after digital switchover.

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CHAPTER ONE: Local Television Futures

Broadband and cable distribution obscure the once civic scale of the cable franchise area, as companies compete across metropolitan areas to secure the most accessible subscribers, regardless of the consequence of uneven access. The Government compromised civic objectives in securing cable investment in the 1980s, undermining cable's distinctive 'local' promise. Later regulation in 1990 was realigned to tempt the mostly US operators to invest without the burden of interference from local authorities, removing the requirement for cable to address and reflect each local civic sphere (Rushton, 1994:43-44). By the 1990s in other northern European countries cable had secured almost universal reach among town as well as city households. In turn, those households in the UK without cable in their streets became less likely to benefit from the competition driving faster broadband speeds. Without a regulator addressing constructing service deficit, companies continued to over-supply offering competing services to the same subscribers. Recently the communications regulator Ofcom has found cable broadband availability to be highest in London,

> where 61% of households could receive cable broadband services, and lowest in Wales, where less than a quarter of households (23%) were able to [receive]. Availability was higher in urban areas, where

> over half of all households (52%) could receive cable broadband services, than in rural areas where less than a quarter (23%) could do so (Ofcom, 2007:5.1.1.3).

These findings should not be dismissed as unforeseen but are the result of policies designed to ease commercial passage to favour the more accessible customers, by abandoning those where it is necessary to build new infrastructure (Rushton, 1993:169-170, Rushton, 1994:44, ACTO 22, 2006). Ofcom's recent attempt to further enhance competition, local loop unbundling (LLU), has enabled broadband companies to access BT's digital exchanges, finding enthusiasm to use those serving large numbers of households and businesses, resulting in "LLU availability in urban areas [at] 78% compared to 27% in rural areas" (Ofcom, 2007:5.1.1.4). Addressing the uneven and impoverished infrastructure arising from light-touch telecoms regulation Kip Meek, formerly of the Ofcom Board and now Chair of the Broadband Stakeholders Group (BSG), reported on 16 April 2007, that

> broadband is the critical enabling infrastructure of our modern, knowledge-based economy and is an integral part of many people's lives. Yet … the UK's current and planned broadband infrastructure may not meet the future needs of the most intensive users and we cannot assume the market will continue to deliver the ever-increasing bandwidth that many content providers and users increasingly expect (Broadband Stakeholders Group, 2007).

In their coverage of the Broadband Stakeholders Group the BBC reported BSG favoured public intervention, "Government should also explore models of how it might get involved in the creation of next generation networks to ensure that all parts of the UK get treated equally" (BBC, 2007). So now, after twenty years of force fed privatisation by regulators up to and including Ofcom, we are invited to return full circle, away from the certainty of Government promises in the 1980s that commercial markets would drive communications infrastructure and its benefits. The belated realisation is that Government intervention will be necessary to

secure communications infrastructure to prevent disadvantaging the more remote economic and cultural communities.

The electromagnetic ‘wireless’ spectrum has one distinct advantage over the ‘built’ infrastructures of cable and wired broadband: its availability has no regard for demographics, geography or commercial intentions. The relatively recent idea that markets offer a better and less wasteful regulation of this spectrum than central Government at Westminster has been promoted largely by Professor Martin Cave (2002). Support for markets as communications regulators for spectrum is presented as offering positive social as well as economic outcomes for national (UK) benefit. “Trading [spectrum] will give firms an incentive to husband the nation’s resources of spectrum and direct it into the most profitable uses” (Cave 2006:6). Yet, leaving the selection of possible consumers to communications suppliers will continue to ensure that some areas receive poorer services than others. This relative poverty remains compounded by poor motivation, the positive disincentive to build out infrastructure, focusing further competition on price for the already largely over-served customers. In particular, it is being proposed by Ofcom that digital spectrum should be configured into commercial packages for auction to encourage operators to access the most easily reached communities, setting aside the less commercially useful and more fragmented spectrum for trade in secondary markets. These are the areas requiring more transmitters and relays to serve viable populations.

Cave concedes that the public have a legitimate interest in retaining access to services that spectrum continues to provide, suggesting the Government’s “key strategic broadcasting goal is that public service broadcasts should be available to everyone, as now, free at the point of consumption” (Cave, 2002:37). Yet Ofcom’s interpretation of public service broadcasting requirements from those receiving public funds, no longer seeks to ensure universal provision. After replacing the ITC in 2003 Ofcom was quick to reassess the scope of public service broadcasting and withdrew the universal obligation to reach all. Instead Ofcom now

encourages broadcasters to make their channels “widely available – if content is publicly funded, a large majority of citizens need to be given the chance to watch it” (Ofcom, 2003).

Taken together cable, high-speed broadband and the new digital wireless prospects arising with spectrum released as analogue is switched off will see commercial and publicly funded services being regulated by markets that will significantly over-serve the same populations in some areas, leaving others relatively poorly served. This will allow operators to compete on price and reduce further the need to build out networks beyond the potentially very flexible interpretation of Ofcom’s ‘widely available’ (ACTO 22, 2007). Meanwhile, terrestrial public service television in both analogue and digital forms is expected to reache almost all households (98.5%), but perhaps will only continue to do so until commercial public broadcasters weigh up the impact of heightened competition and consider abandoning the ‘universal’ obligation in favour of the lower more ambiguous achievement of ‘widely available’ set by Ofcom in 2003. The numbers of digital transmitters and relays required to reach 90% of UK households is only 80, compared to 1152 to serve 98.5%. The introduction of terrestrial high definition television (HDTV) may be the tipping-point at which commercial logic excludes universal delivery for the terrestrial HDTV public channels including those receiving public finance. As an alternative to digital terrestrial delivery, satellite offers as good a level of coverage while satellite is far more spectrum efficient in delivering large scale and pan-national channels. However, satellite is far less effective and very expensive for the delivery of local and regional channels. It is missing local and regional (nation-scale) channels, those able to address smaller geographic civic communities, that are best able to use terrestrial spectrum most efficiently.

As the Government’s principal adviser on spectrum trading, Martin Cave did not demonstrate how communications markets would improve spectrum efficiencies over regulation. In linking ‘improved efficiency’ with commercial incentive, Cave and Ofcom have effectively conflated the

objective to achieve an ‘efficient use of spectrum’ with ‘spectrum’s commercially efficient use’. A real test of spectrum efficiency in the public interest is whether or not specified and declared public objectives can be achieved by commercial means, following the removal of public intervention, planning and regulation.

Cave writes in his Foreword to the March 2002 *Review of Radio Spectrum Management*, “UK society derives unquantified value from spectrum use by a wide range of services, from defence to broadcasting, whose reasonable demands for spectrum have to be accommodated within any spectrum allocation regime” (Cave 2002:14). Although Cave includes an ‘unquantified value’ for society in this analysis, he provides no evidence from public stakeholders for this ‘reasonable demand’ and so it seems a hollow unargued common sense alongside his commercial emphasis associated closely with one interest group, “guided by many of the responses which I have received, particularly from commercial organisations” (Cave 2002:6). The public goals for communications that have been characterised as our common interest in spectrum have, till now, been represented through Government. Cave sets out to recast these interests as best served as indirect benefit achieved through greater commercial profitability and innovation. Cave is extremely confident that commercial dynamics can replace public intervention, suggesting that public service communications will only remain distinctive until market mechanisms mature sufficiently to satisfy all needs, and

> the review recognises that there will remain a number of public services for which spectrum is a vital input and for which, in the absence of a fully fledged spectrum market, the current regime of reserving sufficient frequency bands for the delivery of these services should continue through the medium term (Cave, 2002:35).

The potential economic benefit to the public and the nations from an open spectrum commercialisation is that greater public spending will result from larger corporation tax revenues and Treasury receipts made by companies using spectrum to increase their profitability. These indirect benefits are

not to be entirely conflated, at least so far as Cave is concerned with the much publicised Treasury windfall expected to arise from auctioning spectrum. Cave is in fact only too aware that his motives in writing his review for the Treasury might very easily be misconstrued:

> One of my abiding concerns throughout the preparation of the report has been a widespread perception that spectrum charging is simply a device to raise money for the Government from private sector bodies or organisations such as the BBC. Revenue raising has not been an objective which has governed my recommendations (Cave, 2002:9).

Cave assures the reader his principle objective is not economic but to improve spectrum's (technical) efficiency in use, and that a more efficient use of spectrum will itself provide long-term economic advantage for the UK. Cave's principal idea is to encourage commercial flexibility to enable innovation, making a distinction between spectrum's 'technical efficiency' and 'commercial efficiency' as favoured means to achieve this objective. Yet the evidence of commercially driven cable and broadband does not support commercial packaging and reduced intervention for spectrum. Although Cave distinguishes technical efficiency as the objective Ofcom seem less interested in making this distinction or even in exploring a range of practical possibilities for constructing communications regulation along economic lines. In responding to Ofcom's *Digital Dividend Review*, in March 2007, Ofcom's Spectrum Advisory Board (OSAB) caution the regulator that "UK competitiveness should at least act as a brake on an excessive zeal towards pure spectrum auction approaches" (Ofcom's Spectrum Advisory Board, 2007). If the public benefits of spectrum trade were primarily to become Treasury receipts then there is surely a need for discussion in the nations and economic regions of the UK on the merits of devolving regulation of communications further away from their own capacity to intervene in their economic interest. Not least the less advantaged areas might better seek to balance spectrum uses against broadband deficits and to enhance their regional contributions to GDP through an increase in local economic and creative spectrum-use activity, operating in locally sensitive and less large-scale commercially obvious or exclusive ways.

For Cave, spectrum becomes over-simplified as raw material for manufacture, “looking forward spectrum is an essential raw material for many of the UK’s most promising industries of the future” (Cave, 2002:11). But a further key perspective from 2002 comes in a paper setting out to inform the Treasury on international spectrum agreements. Martin Kellaway of the National Statistics Office advises the Treasury that “by international convention the spectrum is owned by the central Government of each country, and that ownership cannot be transferred” (Kellaway, 2002). In Germany and Spain local broadcasting regulation and licensing is devolved to regional authorities, an opportunity for devolved responsibility Cave demonstrates for spectrum in suggesting devolution to the markets. In spite of Kellaway’s counsel, the Government through Ofcom have conceded the principle that state control can be transferred, although as yet they have been reluctant to explore this delegation of responsibility to lower tiers of public (rather than commercial) administration.

The state’s principle duty of responsibility is to regulate spectrum use at international borders, while a more intuitive narrative explains the public’s consent to approving spectrum’s accumulation by the state and subsequent monopoly regulation – short of devolution to markets. This narrative explains the historic spectrum plan for the UK as a plan that has been reliant upon common consent that spectrum would be used to serve mutual public objectives. The state first annexed wireless for military and defence purposes and then later justified its continued monopoly in order to prevent a commercial free-for-all for spectrum use (for radio) skewing a shared principle of common access, preserving monopoly powers to ensure equality of provision through universal delivery. This state monopoly embodies a unifying public purpose, amounting to a compact between each citizen and the state to support the accumulation of local instances of spectrum use to deliver a mutually beneficial combined national outcome: public service broadcasting. In proposing to delegate spectrum regulation itself to commercial interests it is clear that this historic bond of consent is to be broken and, at Cave’s suggestion, Government are to offer in its

place the supposedly more effective and ‘technically efficient’, if unproven and untested alternative, the management of spectrum by markets.

Some in Westminster would appear sceptical, although these voices have had little influence to date. Ofcom has meanwhile reduced the threshold of universal reach to ‘widely available’, not for merely commercial services but for those publicly funded (the BBC). Speaking during the January 2006 House of Lords Select Committee meeting on the BBC Charter Review Lord Armstrong of Ilminster said: “As I understand … the [electromagnetic] spectrum is the property of the Government. I believe our access to it is controlled by international agreement. I would be grateful if you could confirm that” (House of Lords, 2006). Cave replied: “I think there still may be some residual uncertainty about precisely to whom the spectrum belongs”. After an exchange of letters in the Scottish Parliament Chris Ballance MSP asked Deputy First Minister Nicol Stephen, “… who, if anyone, owns the electro-magnetic spectrum in Scotland, as distinct from who manages it?” Nicol Stephen replied: “The [Scottish] Executive’s understanding is that there is no defined ownership of the electro-magnetic spectrum” (Scottish Parliament, 2006). Stephen’s stresses that it is Ofcom’s role to ‘manage spectrum’.

The House of Lords (House of Lords, 2006) also invited Dr David Cleevely with Professor Cave to contribute evidence on the proposals to create a spectrum market. For Cleevely, spectrum is not deemed to be ‘scarce’ but a significantly under-exploited resource, for broadcasters and for other potential users of spectrum. But, like Cave, Cleevely fails to provide the Lords with evidence that technical efficiency gains will follow from market regulation, instead urging the Lords to accept that people (other than Government) “might take the right kind of decisions in order for innovation to take place”. Here Cave and Cleevely imply that Government has failed in its responsibility to safeguard spectrum or to encourage sufficient innovation, inhibiting good management and effective creative use. Yet neither witness provides this Committee with any evidence of better decision making that will result in technically efficient

use or greater security from commercial freedom to regulate.

In returning to this topic in 2006, Cave characterises the commercial engagement with spectrum as a means to achieve spectrum's technical efficiency while emphasising that "technically efficient spectrum use commends itself as a self-explanatory benefit. Indeed, technical efficiency may rationally count as the leading factor in spectrum allocation decisions" (Cave, 2006:4). It is clearly evident that 'technically efficient spectrum' is not reducible to the consequences of commercial efficiencies, merely the hypothesis this might be so. While the drivers that determine greater commercial efficiency may be harnessed to achieve technically efficient use there is no necessary or even contingent link. There is simply no evidence that operator involvement in regulating the broadcasting bands will bring about greater technical efficiency than either the current regulation, which if poor is a Government weakness, or by devolving regulation to a more localised intervention. One of the difficulties with Cave and Ofcom is that spectrum through a market preference is too easily equated with operator concerns, allowing simple modelling from thinking of spectrum as if it were a raw material or property. By expressing spectrum as 'concrete' it becomes easier to falsify the transfer of rights, to use by auction and market, something (eg) Kellaway (above) has suggested is not without international reservations.

As David Goldberg explained in a discussion arranged by the Cross-party Culture and Media Group of the Scottish Parliament,

> think of the [spectrum] issue in terms of action (verb) not substance (noun), think in terms of spectrum use; there's no Platonic ideal spectrum lurking like the shadow in the cave (!). Spectrum classification is a human construct; it doesn't exist in nature. Radio communication is people communicating using emitters and receivers: the activity of using emitters modulating at a specific frequency and receivers tuned to receive the emission to enable/ facilitate communication (Goldberg, 2007).

Goldberg's understanding of spectrum as 'action' rather than as 'substance' seems intuitively - or in Cave's terms 'rationally' - more accurate and supportable in describing 'technical efficiency' as spectrum use objectives, enabling identification of a *conjoint use* of spectrum in its deployment. On the other hand, the tortured economic metaphor that offers 'spectrum ownership' leads only to a (deliberate) confusion vesting interest in the operator at the expense of the recipient of spectrum-based services, allowing from this claim of title an inference that technical efficiencies from profitable activity are using spectrum as raw material 'efficiently'. The economic or commercial case seeks to separate the transmitting from receiving responsibilities in the activity of spectrum use and to discourage an understanding of identifiable technical efficiencies based on actual experience of use (eg upon actions and processes of transmission and reception).

Spectrum is valued in both society and commerce for its use value and this use involves the transmission and successful reception of signals. If a signal is transmitted and not received the spectrum occupied is wasted and this transmission further excludes reuse at that location. Yet the 21st century economist's and politician's treatment of the spectrum is strangely reminiscent of the nineteenth century belief in the existence of an "ether" – an invisible, incorporeal medium through which radio waves pass.

> Physicists since Steinmetz and Einstein have discarded the notion of an ether; so perhaps it is time that policy makers caught up and looked at the motivations for remaining with a distorted vision (Mullier, 2007).

For regulation to be evidence based as Ofcom requires an efficient use of the electromagnetic spectrum demands a common measurement that can be applied to all cases of reception from any spectrum use or transmission. For television the transmitters and the installed base of domestic aerials and TVs comprise the necessary components of this transmission-reception relationship, with both parties active partners in ensuring (or not) spectrum's technically efficient use. Of course there are layers of economic

responsibility vested in this longstanding relationship of broadcasting in the engagement of broadcasters with many viewers and listeners. There is more to this than the technical expression of the spectrum use relationship and the expression of an operator's commercial or operational benefit. Householders install their own receiving equipment and by means of the TV licence fee invest in building and maintaining the broadcast transmitters, most recently in work in progress replacing the analogue transmission network in preparing for digital switchover. The licence fee provides a core investment in the network of digital transmitters and towers required for broadcasting. But by Ofcom's sleight of hand in objectifying spectrum in favour of operator concerns the public remain media illiterate outsiders, the unacknowledged stakeholders yet the true investors in the broadcasting system that uses spectrum.

A simple equation expresses technically efficient spectrum use as the difference between the number of television viewers able to receive a channel and the number actually watching or recording that channel. This satisfies the objective to provide evidence of efficient and wasteful spectrum use, or broadcast spectrum efficiency (BSE). BSE equals the product of Numbers watching (Nw) and Minutes (tv) of viewing over the product of Number of licensees in the transmission area (Nl) and Minutes of broadcast time (tb).

$$BSE = \frac{Nw \times tv}{Nl \times tb}$$

It is therefore this formula, rather than economic opinion and speculating on spectrum's supply side, that permits and objective measurement of spectrum's technical efficiency in broadcasting, ensuring that independent assessment can be made of the extent of waste and satisfaction in each instance of broadcasting's use.

The 2003 Communications Act requires Ofcom to secure the optimal use of spectrum throughout the UK. Ofcom's spectrum proposals contained in the *Digital Dividend Review* (2006) recommend that licensees partition

spectrum by frequency and location, and offer surplus for sale and possible re-use. Under such a plan spectrum becomes fragmented and divided into commercial packages according to benefits accruing firstly from ease of access. It is likely that future public intervention will be necessary to retrieve and recombine spectrum from secondary markets, to fill in gaps created to achieve those commercially profitable objectives in purchasing and allocating favourable spectrum access. This belated public intervention, now relegated in Government thinking as a safety-net of impoverished public imagination, is at odds with the purpose of the original and sustained compact established between the public and the state to combine spectrum uses, to bring together points of local transmission and distribution, for allocation to favour state-wide public broadcasting services.

Any stepping aside from this compact reneges on the terms of public consent. The evidence of supplementary more localised services wanted by the public, the author suggests, forms a central component of how that compact must now be redrawn to explore spectrum use on a localisised transmitter-by-transmitter basis.

Local, regional and, more recently, devolved governments are beginning to consider how spectrum might be used for local services tailored to the economic needs and cultural aspirations of those in their administrative areas. This consideration involves exploring legislation and regulation to first imagine and then consolidate local access, to tackle economic, democratic and cultural inequalities that have become reinforced by commercial services being introduced under state patronage. At the Scottish parliamentary elections of 3 May 2007, the electorate voted in favour of providing for local and community media and/or broadcasting devolution from the digital dividend. Viewer studies conducted or commissioned by the regulator and others since the 1950s have shown strong demand for localised public service television as a ‘third tier’ of broadcasting (Holden, Pearmain and ORC International, 2006). The public’s objective remains for local TV be seen on TV, at least until

broadband capacity and use is equally available for all (MORI, 2005:36) by when local TV should serve all communities (Sancho, 2002:30).

Lord Sandy Bruce-Lockhart, Chairman of the Local Government Association wrote (12 June 2007) to Lord Currie, Chairman of Ofcom:

> Television is still the greatest source of information flow. I believe that it is essential for television to have a stronger element of regional and particularly local news and programmes. Local means areas of governance such as cities and shires. … The changes in Government policy and in the Local Government Bill are very much about emphasising the importance of 'place', the fostering of a sense of local identity and belonging. But they are also about, needing to hold local decision makers to account locally, through local Select Committees, local council leaders, and those that head up the NHS, Police and other local public institutions. Again this requires public awareness to create interest. Each of these challenges would be greatly advanced by local television (Williams, 2007).

On 19th September 2006 Alex Neil MSP, Chair of the Culture and Enterprise Committee of the Scottish Parliament, also wrote to Lord Currie, Chair of Ofcom:

> I am writing to you to request that no decisions are made on the use of broadcast spectrum that exclude the introduction of Local TV channels with DTT roll out to reach all households in Scotland. Furthermore, spectrum should not be allocated or regulated so as to restrict or inhibit the introduction in future of new independent public channels from and for Scotland.

On 2nd April 2008 Alex Salmond, First Minister of Scotland, addressed by letter the 3rd Scottish Local TV Forum meeting in Aberdeen:

> We need to ensure that broadcasting in Scotland reflects the richness of our communities … Local television can have a part to play in expanding the cultural content broadcasting in Scotland has to offer. It also has the potential to be a great mechanism for enhancing civic

engagement and strengthening the communities it serves. Already I have requested that Ofcom ensure that spectrum is available for local television, to allow for its development in light of Minister's decisions after considering the report of the Scottish Broadcasting Commission.

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CHAPTER TWO: Local identity and place on television

Before the UK's commercial television channels began broadcasting in the mid 1950s, the Independent Television Authority (ITA) considered the likely political damage of not providing regional services focused as closely as possible on those large communities that regarded themselves as being distinctive. In considering Scotland, proposals were made for a separate Glasgow and Edinburgh service, with the ITA noting in a Confidential Memo

> we may as well face here the question whether the Edinburgh station would support a programme contractor of its own. I think we must certainly assume that it would. If it cannot, then it would mean our development would never cover areas of 1.5 million people or less and this would limit us to 8 stations in all. Such a proposition seems entirely untenable especially as in the USA almost all communities with over two million inhabitants support three stations or more (ITA,1955:paper/55/51).

The ITA Memo argues for Edinburgh and Glasgow stations to take "account of the existence of two separate communities, [which] would

allow us to accommodate two contractors instead of one and would give better coverage". However, less than a year later negotiations with the short-listed contractors propose a single station, with Roy Thomson, the Canadian broadcaster and owner of *The Scotsman* newspaper, a Mr Gordon Kyle and The Daily Express in competition. Of these three the ITA notes that only Roy Thomson "claims to have the necessary finance" (ITA, 1955:paper/55/51:2).

A year later, and with Thomson's proposal accepted, the ITA Director General, Sir Robert Fraser, writes somewhat despairingly, following an indication by Thomson that he does not intend to pay the transmission fee that had been discussed with possible contractors.

> I wish to goodness you had let me know at a much earlier stage during our series of discussions about Scotland that you would not in fact feel able to pay an annual rental of more than £190,000 … I am now having to hold up our orders for equipment for Scotland … We plainly cannot sign a contract for Scotland at a figure significantly below that mentioned to the twenty or so applicants without giving each one of them a chance to apply again (ITA, 1956:Paper 28 (56:2)).

Instead of restarting the selection process Fraser instead proposes to Thomson that the ITA announce that a "sufficient reason" for the cause of further delay to agree rental terms might best be attributed to "the national economic situation, and the central need for cuts in capital expenditure outside the direct field of industrial production" (ITA, 1956:Paper 28 (56:2)). This collusion volunteered by regulator to contractor frustrates the public objective and independence of regulation, an early sign of the collapse of public purpose in regulation subsequently institutionalised in the later negotiations with cable companies.

In responses from three out of four UK regions, sampled in October 1976, "30%, to 40% of viewers say that the news magazine deals too much with local news in other areas [in the TV region]" (IBA, 1976:para4.6). The

IBA concluded “what is attractive is material which reinforces personal identity, the sight of people or places known or recognised, and historical or cultural explorations of the local background to personal identity” (IBA, 1976:para4.6). This demand was sufficiently widely expressed for the regulator to suggest that when new engineering opportunities for television transmission arise, what would be “welcomed would be social and cultural material of an identity-reflecting and enhancing nature” (IBA, 1976:para4.8). In providing evidence to the Committee on the Future of Broadcasting (1973:para121), the IBA had noted it would be technically possible “for separate local interest programmes to be transmitted from a station, or stations, covering parts of the [ITV] contract area. They are a possible development of ITV’s regional structure”. A year later, the Crawford Committee Report concluded, “separate news programmes ... could make a valuable contribution to meeting the demands of viewers for a more localised service”, adding that “an interest in regional programme variations grows in importance, as viewers become more selective and more aware of local loyalties and interests ... there would be an advantage in the number of areas into which the United Kingdom is divided by the BBC and the IBA for regional programme purposes being increased” (Crawford, 1974:36).

In 1977 the IBA published *Attitudes Towards Localised Television Services* and found, once again, that Edinburgh was “more local in its inhabitant’s experience and feelings” than some other places surveyed. In its conclusion, drawn from inquiries across four UK TV regions, the study found “viewers do say that they would like to see TV coverage of places which are closer to where they live ... more so than they wish to see coverage of more distant places ... served by the same TV company” and that “the interest in nearby places emerges principally from an interest in the immediate locality”. For the Edinburgh area, “there is considerable implied appetite for more local news, in that from 55% to 65% of viewers say the ITV news magazine doesn’t cover enough interesting local news” (IBA, 1977).

A common criticism in 1984 “was a feeling that the programme concentrated too much on controversial or superficial padding, sometimes at the expense of more serious or worthy items, and sometimes to allow presenters to push their own personalities” (Kerr, 1984b:4). For regional news, it was news presentation, rather than news content that was favourably received, as “‘friendly’, ‘relaxed’ and ‘human’” (Kerr, 1984b:4). With ‘entertaining’ cropping up frequently in responses in this West Midland’s study, Kerr found this to be “an unusual description for a local news programme” (Kerr, 1984b:4). Meanwhile viewers in central Scotland were preoccupied with a regional news concentrating on “presentation, which many viewers considered ‘amateurish’, ‘flippant’ and ‘superficial’”, while “items, particularly those of a serious nature, were rushed, cut short, or allowed too little time, and there was for some viewers a lack of depth and detail. Some of the existing material is considered boring and repetitive” (Kerr, 1984a:3).

The IBA/ITC *Mapping Regional Views* (1990) found that news about a person’s own locality or district was “of primary importance [for] most people (88%)”. In this study it becomes clear that television on the regional scale has occupied a transmission territory, as well as broadcasting airtime, by confusing what is ‘local’ with what can be passed off ‘regionally’ as local, overlooking the strong local identifications that are evident in the public’s comments made in *Mapping Regional Views* (Rushton, 1993:116-132). A decade after the IBA and Crawford Committee recommended a more localised service, television engineering was presenting options for new terrestrial channels, including local TV on both fifth and sixth channel spectrum (identified in 1988) and in the licence renewal rounds an opportunity to reassess the scale of commercial ITV’s coverage. In spite of the longstanding recommendations for localisation of TV news the Government favoured greater channel choice by introducing further large-scale commercial channels.

The IBA’s studies from this period present something of the tension between demand and ideology, questioning whether Government

preference for ‘channel choice’ reflected public demand or would even result in improved viewer satisfaction. In 1988 the IBA found there was no link between “an increase in availability [of channels and] greater appreciation” and “people may yet find the end result no more satisfying” (Wober and Kilpatrick, 1988:9). Greater choice represented as more channels heightened the competition of each channel to achieve viewer attention, conflicting with channel complementarity, whereby programmes are transmitted expressly to avoid clashes between similar programme types. Yet there seemed no turning back.

> It is not possible to enforce a policy of complementarity where new channels or sets of channels compete outside of a given control body; so any unregulated addition of new channels is likely to increase the amount of ‘redundant availability’ across TV viewing” (Wober and Kilpatrick, 1988:9).

Spectrum abuse or wastage in terrestrial transmission of multi-choice increases proportionately, and massively, with each channel added. Television programmes differ from other consumer goods: if they are not watched they are lost to the viewer, or not ‘consumed’.

Wober and Kilpatrick are able to conclude that viewer satisfaction when measured using “the same ‘instrument’ before and after a change [from complementarity to multi-channel choice] suggests that people adapt to the array of what is available so ‘well’, that they evince no greater satisfaction with greater than with less programme availability” (Wober and Kilpatrick, 1988:17-18). Combating spectrum wastage has been a constant motif of regulation up to the present, with regulators urging greater spectrum efficiency. Yet, far from addressing how waste is maintained, multi-channel choice fosters flagrant abuse of spectrum under the guise of responding to a demand the consumer has not made. Multi-channel choice is a wasteful way to deliver diversity and variety by terrestrial means. With multi-channel firmly established and on the digital horizon in 1995, the Shadow Minister for Broadcasting, Graham Allen MP, reflected upon the outcome that Wober and Kilpatrick had predicted,

> yet again there is a gaping hole in the Government's proposals to provide local services rather than more of the same. In Bruce Springsteen's words, "two hundred channels and nothing to watch." If the Government became involved and took action, the alternative could be a burst of creative variety in local programming. The need for such variety will not be by the satellite television companies' introducing many dozens of channels - possibly more than 100. They do not wish to enter that market, and we shall have to look elsewhere for local provision (Hansard, 1995).

In 1989 the IBA conducted a study of public opinion to provide a benchmark against which "to assess the future developments, [and provide] an aid to future planning, and a route for viewers' and listeners' opinions to be heard" (Svennevig, 1989:5). This study included a nationwide survey of public attitudes, opinions and knowledge about the state of broadcasting and its "likely future" (Svennevig, 1989:5). Although the majority of viewers felt there was quite a lot of television regulation, this was not 'too much' and "overall the majority of six in ten viewers felt the amount of regulation was about right, while one in four felt there was too little" (Svennevig, 1989:7). Across all demographic groups, 79% favoured the continuing supervision or regulation of broadcasting (Svennevig, 1989:9). Less than one in five viewers believed these new channels would offer quality, with 39% believing they were likely to be of worse quality than current channels (Svennevig, 1989:12). And yet, for the majority of viewers, "quality is paramount, and given the choice in principle between quality and quantity, opt for the former rather than the latter. Nine in ten viewers want better quality programmes, rather than more channels" (Svennevig, 1989:13).

In 1989 the IBA also assessed the expectation of television satisfaction from the multi-channel television proposals, concluding "what is noticeable … is the absence of large scale special pleading [among viewer's questioned] for more of those programme types which are often claimed as representing the shape of things to come – quiz shows, sport,

soap operas" (Svennevig, 1989:2). Svennevig felt that introducing further channels was unlikely to have a positive outcome, although the battle lines were being drawn with, on the

> one side, the Government's White Paper [Broadcasting in the '90s, which] states that the most effective way to give viewers choice is to increase the number of channels available. Against this is the argument which states that maximum choice is achieved through scheduling diversity and range on fewer channels (Svennevig 1989:5).

The ITC's final study on regional television, before handing regulatory duties onto Ofcom, was conducted in 2002. Titled *Pride of Place* its researcher, Jane Sancho, explored the replacement of regional ITV services, should the commercial operator decide "it can't afford to produce regional programmes so it stops showing them" (Sancho, 2002:29). Sancho finds support for replacing the regional service with a "network of local television services (RSLs) broadcast[ing] local programmes across the country" (Sancho 2002:29). The study's jury in the north of England had access to the local RSL, Channel M. This jury valued its local service particularly for encouraging local expression, while adding to Sancho's commentary the idea that the absence of a local channel in some areas "was unacceptable, as was the fact that local news might not be provided because the costs would be prohibitive" (Sancho, 2002:30). A study from BBC Scotland, *Journalism Review* (2003), also evidences the persistence of demand in Scotland for a local television news bulletin, wanting "5–10 minutes of local television news within the 6-7pm news hour on BBC1 (81% interested, only 8% not interested)" (BBC, 2003:13). Yet in spite of acknowledging the need to address this deficit at the time, BBC Scotland's considered response explores how to satisfy the demand for local TV 'as TV' by examining how BBC Scotland "might provide a stronger regional news service considering the options for all services – radio, television and online" (Peat, 2006:13).

A study in 2006, commissioned by Ofcom from Holden Pearmain and

ORC International (2006), found television viewers highly critical of the quality of many of the channels introduced in the 1990s by Ofcom's predecessor, the ITC. This study's respondents found the commercial channels wasteful of spectrum and of poor quality. Holden Pearmain and ORC International found the public antagonistic towards Ofcom's proposal to encourage markets to regulate the use of spectrum freed up after digital switchover. Local news and local information are found to be the most valued services that the public would like introduced (Holden Pearmain and ORC International, 2006:5.27). At every opportunity the respondents' advocate a more interventionist stance, in order to maintain shared public objectives through spectrum use, while seeking reassurance from Ofcom that universal coverage will prevail for new digital TV services. Holden Pearmain and ORC International provide an important glimpse of the void between public aspiration and regulatory imposition, finding the viewer requiring greater vigilance and not weaker, lighter or ethereal regulation, requiring Ofcom to supervise television operators that the viewer does not trust can provide quality or ensure equal provision of wanted services.

Perhaps the most damning "common opinion [was] that as the airwaves are a national resource, some control should remain with the Government. If this does not happen then what was once available as a 'public' resource may be used for services that do not benefit society" (Holden Pearmain and ORC International, 2006:8.16). The conceit is that spectrum is being freed from public accountability, to pass into private control through auctions, markets and secondary trading on the basis of marginal economic opinion, without evidence that better results will follow let alone public consent. The market research consultations undertaken by Ofcom have clearly and repeatedly shown spectrum auctions to be at best a highly contentious idea and very likely to be overwhelmingly rejected if the public were fully consulted.

> There was unanimous agreement in the groups that some form of intervention was necessary to ensure that services that are valuable to society are made available to the maximum number of people. Respondents felt that the private sector alone, being motivated by

> profit, would not necessarily deliver services that are valuable to society (Holden Pearmain and ORC International, 2006: 8.11).

Without public intervention, future communication markets will serve best only those capable of being easily reached by a commercially viable package of spectrum uses, because “consumer interests arise following the establishment of a market, in which individual consumers make decisions about the acquisition and/or use of goods and services which are provided by suppliers” (Ofcom, 2006:A7.11). The consumer influence in communications arises when the supplier has identified the scale and extent of access necessary for the commercial success of their operation. In communication markets (in particular, in broadcast markets) the consumer is not individually able to increase supply through personal demand. What influences the construction, scale and viability of the markets is the location of consumers close together and close to the source(s) of distribution. Ofcom supports the creation of markets that enable consumption, rather than the construction of markets based on demand and service requirement.

In the course of the last fifty years – through the BBC, ITA, IBA, ITC and Ofcom – a moderate if frequent public demand for a different more localised public service television has been recorded, reminding successive Governments, regulators and broadcasters that the public require broadcast supply to fit the contours of civil society, and not screw civil society along the contours of commercially satisfied economics. As the author suggests, the evidence of the public’s view has been ignored, even wilfully distorted, pushed aside in favour of encouraging commercial ‘cherry-picking’ to deliver a supposedly greater choice through multi-channel broadcasting which, for many, offers no choice at all and when available is largely ignored. In 1989, the IBA argued that multi-channel choice would not enable greater choice but generate wastage in spectrum use, offering redundant programming in the heightened competition of less watched channels chasing viewer attention. Multi-channel choice has had a detrimental effect on maintaining public purpose (on commercial

television) and now threatens universal reach and those local innovations in public service communications that the public has prioritised (Sancho, 2002:30, Holden Pearmain and ORC International, 2006:8.16).

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