

The Communication Review will not result in a definite plan of action, but it provides a good opportunity for the government to build a solid base for considered and informed policies on regulation, infrastructure and plurality

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With the deadline for the government's Communications Review fast approaching, [Damian Tambini](#) highlights certain areas that the Review may touch on and advises policy makers to use this listening exercise wisely because potentially difficult decisions await in the fields of regulation and infrastructure, as well as the tricky BskyB – NewsCorp merger



With the deadline for responses to the government's [Communications Review](#) only weeks away, the policy cycle is now underway. All over the country lobbyists, public interest groups and concerned citizens are crawling out from under their rocks for the next big battle in media policy. It will be a long one, since Jeremy Hunt has indicated that legislation will not be necessary until late in the current Parliament. But he has promised a green paper setting out the government's position by the end of this year. As interested parties draft their first responses for submission by the end of June it is worth focusing on the context for this current debate.

On the face of it, the Government has indicated that policy is still wide open. The [Open Letter](#) from Jeremy Hunt didn't set out a clear pathway or objectives to be achieved. But in reality policymaking, as ever, is constrained by external factors – such as the European Policy Framework – and it is possible to set out some tentative, and very preliminary thoughts on what this cycle might achieve.

- 1) The main headlines will be deregulation and infrastructure. In the Open Letter the mantra was that media and communications policy will be part of a wider strategy for growth as set out in the Government's [Plan for Growth](#) published in March. That document is concerned with creative industries not in terms of culture or citizenship, but as engines for growth. Government subsidised superfast broadband is to be rolled out not to consumers, but as a spur to business investment principally in planned Enterprise Zones. And regulation in general terms is presented as a problem that imposes a burden on business and should be removed.
- 2) This is going to be more about media and less about communications. Most telecoms policy is dealt with at the EC level, and there is no EC framework to implement this time around. The [EC telecoms framework](#) has just been [reviewed](#) and revised, but implementation does not require major reforms. Media policy – historically broadcasting – is an area where member states have more sway and where the coalition have set out the aim of deregulating. So the fundamental and very British questions about public broadcasting beyond the BBC will loom large.
- 3) The Ofcom reforms have already been made. The removal of the 'policymaking function' from Ofcom was a matter for the Public Bodies Bill, and Ofcom's duties were further clarified by the Digital Economy Act. The irreducible core of what Ofcom does – in spectrum licensing for example- will remain largely unchanged, and the government needs Ofcom to be proactive, for example in clearing spectrum for mobile broadband.
- 4) One intriguing area is the reform of content regulation. Ideologically, the coalition, and in particular the Conservative Party has never quite resolved the division between socially liberal and socially conservative positions. Ed Vaizey and others have been very sensitive to voters' concerns about 'inappropriate content and children' for example. But at the same time the aim is to 'substantially reduce the burdens of the communications and media regulatory framework.' So will de-regulation mean liberating broadcasters from the detailed content requirements, quotas and watersheds that are written into their licenses and bringing a final close to the spectrum for public service pact in the UK?
- 5) The Government may have to grasp the nettle on plurality. Following the controversy surrounding the BskyB-News Corp Merger, [Ofcom was brutally frank](#) in calling for a debate on whether the public interest test within the merger regime was the most effective means of achieving the policy objective of media plurality. Hunt's call for evidence holds the door open for the debate, noting that "Reviewing the existing regulatory regime to ascertain if it is as effective as it can be in supporting our policy objectives on areas such as media

plurality and the advertising market is an aspect of this work.” Dealing with the Sky Merger was bruising for the government – it was a hot potato that ministers did not want to be holding. It may be that there are ways to model a more systematic and evidence-based framework on plurality, that does not rely so centrally on ministerial intervention in mergers.

But the call for evidence, perhaps understandably from the Government’s perspective, does not commit to any particular blueprint. Essentially it appears to be a listening exercise. Lets hope that they do indeed listen.

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