

**CACLB RESPONSE TO THE CONSULTATION ON MEDIA OWNERSHIP RULES  
DEPARTMENT FOR CULTURE, MEDIA AND SPORT  
November 2001**

**Introductory Remarks**

The Churches Advisory Council for Local Broadcasting (CACLB) was formed in the late 1960's when local radio started, for the advancement of the Christian religion through broadcasting on radio and television. It is a charitable trust and an ecumenical body, being a formal network of the Churches Together in Britain and Ireland (CTBI), and an agency of Churches Together in England (CTE). In light of recent developments in the media industry, recognising the blurring of distinctions in cross-media ownership and between local and national issues, CACLB is working towards becoming the Churches' Media Council, and is already working in those wider areas.

The Council brings together the churches, Christian broadcasters, the broadcasting authorities and trainers. This response is submitted on behalf of the Council's representatives of the member churches and Christian broadcasters and is the result of an ecumenical conversation between them. Individual institutional churches will also be making their own responses to this consultation.

CACLB welcomes this consultation and is grateful for the opportunity to respond. Media ownership needs to facilitate freedom of speech and expression. This must be done on a 'level playing field', in accordance with conventions on human rights. Nevertheless it is recognised that positive content regulation is required to ensure that broadcast material is not inflammatory, racist, sexist, or otherwise illegal.

Plurality and diversity are reflected in the multi-faith community in which we live, of which Christianity is a major part. Churches, like public houses, shops and doctors surgeries amongst others, are at the heart of local communities and the nation. They are no threat to democracy. On the contrary, when democracy was threatened by the terrible events of 11 September 2001 people flocked to the churches for reassurance and a sound base from which to move forward. Much religious material was broadcast locally and nationally, as the churches acted highly responsibly, promoting and participating in multi-faith approaches.

Indeed CACLB believes that the public interest is well served by religious broadcasting which promotes social stability, family values and mutual respect for all people regardless of race, creed and colour.

In general we wish to see a media ownership regime which:

- Creates a level playing field
- Establishes a single pot for radio frequencies and a single pot for television frequencies and single sets of criteria for their allocation
- No additional restriction on religious broadcasting and broadcasters
- Irons out the existing anomalies and inequitable restrictions
- Promotes Access Radio, the new third tier of community radio, and
- Encourages care and provisions for disabled, elderly and disadvantaged people.

If the cross-media ownership rules are modified, they must nevertheless ensure that real diversity of sources of views and information remain available to listeners, viewers and readers. The quality and range of television and radio services offered must be maintained and protected.

The consolidation of the ownership of local radio stations into the hands of a small number of dominant large groups is a great concern. This is bringing a rapid growth in standardization of programming and a reduction in local content and involvement. OFCOM should be required to maintain local autonomy and coverage in radio, and television.

Our comments are linked to the paragraphs in the Consultation Document, reference numbers as quoted.

1.1 Mainstream Christianity has been at the heart of the development of this nation's democracy throughout the modern era. Indeed as recently as the 1970s and 1980s broadcasters were asking the churches to provide a range of religious material, items and programming for them.

1.4 We are particularly concerned to protect the localness and diversity of local broadcasting. Experience shows that when large companies take over local stations, the amount of local coverage diminishes to a noticeable and large extent. Yes, there will and should be economies of scale in the support; but the broadcasting must retain its local character and not become a satellite transmitter of centrally produced, often without human content, material.

1.7 Multi-media ownership must not lead to centralization of news and concentration of editorial control into few hands. Varied news agendas must remain the norm.

2.2 The rationale for general restrictions must be the subject of regular and rigorous review as this is always a diminution of free speech.

3.4 As far as possible legislation should set the principles and standards. Schedules, which can adapt quicker to the increasingly rapid developments in the media, should be used as far as possible so that the inevitable delays whilst awaiting time for primary legislation do not cause such a great hindrance.

3.5 The Christian broadcasters in the UK have created a new sector of business already worth £25mpa in just six years.

3.7 We agree that as deregulatory an approach as possible should be applied.

4.2 The UK's religious restrictions do not exist in any other country listed in the table, which includes most of the world's most developed democracies, economies and media sectors.

5.1 The multi-faith agenda, for example as promoted by the BBC, ensures plurality and diversity. Christianity plays a big part in that rich and varied spectrum.

5.2 The Churches are constantly adapting to changes in society, as well as in science, technology and the economy.

5.3 The underlying Christian message provides a stable faith base, which offers some certainty and predictability for people's lives.

#### **6.1.6-8 Ownership of licences by religious groups**

6.1.7 We welcome the Government's commitment to remove the anomaly of the disqualification of religious organisations from the ownership of local terrestrial digital licences.

We recognise that ownership by religious bodies raises specific concerns and that there must be safeguards. We also recognise that where spectrum is limited the awarding of a licence to one religious organisation could be perceived as unfair or discriminatory in relation to other religious bodies.

We note the views of the Commission for Racial Equality that the current situation in which national licences are awarded to the highest bidder could be potentially divisive with different religions bidding for a licence.

Finally, we acknowledge that there may be legitimate concerns about awarding a multiplex licence to a religious organisation.

We believe, however, that these concerns can be met and that the ban on religious bodies bidding for ownership of national analogue and digital licences should be lifted. Subject to safeguards, religious organisations should be able to bid for and hold licences for a national analogue service, a national digital sound programme service and local digital sound programme services.

#### **National Analogue Licences**

Given the present continued restricted availability of national analogue spectrum we recognise the argument that it could be seen as unfair to award a licence to one particular religious body.

This objection could be met if the following safeguards are introduced:

Licences should not be awarded simply on the basis of the highest bid, as this would, as the consultation paper says, raise the potentially divisive prospect of "a bidding war between different religions".

OFCOM should have to apply a vetting process applying principles similar to those presently used by the Radio Authority to determine whether or not religious bodies are potentially fit to hold local analogue licences.

These guidelines take into account: (1) whether the body would be able to adhere to the appropriate programming, licensing and sponsorship codes; and, (2) whether the current aims and practices of the body are compatible with the current programming, licensing and sponsorship codes;

In addition, OFCOM would be required to oblige the body to supply detailed information about its aims, objectives and beliefs;

OFCEM would be required to seek the widest range of advice about the credentials of the religious body applying for a licence. OFCEM should consider applications only from those bodies which could demonstrate good ecumenical and multi-faith relations. Membership of the Churches Together in Britain and Ireland might be one such criterion.

OFCEM should be obliged to take into account the extent to which the licence application commanded widespread support. If and when the availability of spectrum increases the extent of wider support required by a potential licensee might be adjusted.

In general, the competitive criteria of economic viability and command of audience share should always be applied.

### **National and Local Digital Sound Service Programme Licences**

We have already welcomed the promise to remove any restriction on religious ownership of local digital programme licences.

Our comments on national analogue licences would apply to national digital licences as well. However, given that digital radio offers the potential, in the long run, for substantially increasing the number of stations available, the importance of demonstrating widespread support is lessened.

However, applicants should still be subject to approval by OFCEM, which would be required to take appropriate advice.

### **Multiplex Licences**

We do not wish to see religious groups excluded from bidding for multiplex licences but we are conscious that the award of a licence to a religious body would raise the same fears of restricting freedom of speech as awarding a licence to a political party or pressure group. The ownership of a multiplex by one religious body or group of bodies would inevitably raise questions about giving such groups an unfair advantage.

However, given the existence of safeguards to prevent discrimination by any multiplex owner on the grounds of belief we believe that religious organisations should be able to hold a multiplex licence.

If it is decided, however, that religious bodies cannot hold national or local digital radio multiplex licences then we would expect to see stringent safeguards to ensure that the

multiplex operator was not able to exclude providers of sound programme services from the multiplex on grounds related to belief.

With the development of web-based internet broadcasting, it is already possible for religious organisations to deliver radio and television services in that way. That opportunity is likely to increase rapidly within the lifetime of this proposed legislation. To deny religious organisations access to mainstream broadcasting may be counter productive as it may mean that they would broadcast anyway but be subject to less management and regulation as to standards.

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6.2.7 Our preference would be for plurality.

6.3.6 We reiterate our concerns about the maintenance of the local flavour, and are aware that this also needs to be protected in areas with a less well developed choice of radio services as well.

6.3.8 We strongly support the development of access radio stations, as a key means of providing very local community radio. The social gain from involvement in such stations is also going to be significant, as it has already proved to be the case in RSLs in places like Moss Side in Manchester.

6.3.13 We believe OFCOM should be **required** to review the onward sale of local licences to reduce the risk that new owners move uniformly towards a middle ground of national taste.

6.3.14 We believe that OFCOM should be able to prevent the onward sale of a licence throughout its term if it were believed a change of control would jeopardise the character of the station as set out in the winning licence application.

It is appreciated that the situation is different in Scotland; and we recognise that the particular circumstances of Northern Ireland may require further consultations there.

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