

**CATHOLIC BISHOPS' CONFERENCE OF
ENGLAND AND WALES**

COMMITTEE FOR COMMUNICATIONS – Development and Policy

Acting Chairman: Rev Wilfrid McGreal, OCarm

Response to the Consultation on Media Ownership Rules

Introduction

The Committee for Communications of the Catholic Bishops' Conference in England and Wales welcomes this opportunity to respond to the *Consultation on Media Ownership Rules*. Our response, as ever, is shaped by our concern that the media should serve the common good and to enhance the well-being of all members of society. Our more detailed comments should, therefore, be seen in the light of this fundamental consideration.

Media Ownership

In our response to the *White Paper: A New Future for Communications*, we said:

In general we believe that any modification of the rules on cross-media ownership should take into account two important principles. The first principle is that ownership regulation should ensure that there is a real diversity and variety of sources of views and information available to the public. The second is that the modifications to the ownership rules should not reduce the quality and range of the television or radio services being offered.

We are glad to see that the Consultation document emphasises the need to guarantee “plurality, diversity and quality for the consumer”. (1.11) Our comments on the *White Paper* drew specific attention to the possible threat to plurality, diversity and quality posed by the consolidation of ownership in independent local radio. We continue to see *an ever increasing standardisation of content and a reduction in local involvement. ... We are also concerned that the narrowing of media ownership at a local level may stifle democratic debate, reduce the diversity of information sources available and diminish the quality and “local flavour” of the media services available to the public.*

6.1.6 – 6.1.8 Religious Ownership

In our response to the *White Paper* we said:

On the matter of ownership of channels by religious groups, we welcome the removal of the anomaly by which religious bodies were not permitted to hold digital local licences but were entitled to analogue licences. We have no objections, in principle, to lifting restrictions on the ownership of other radio or television licences by religious bodies.

We note that there are existing rules under the Broadcasting Act 1990, and guidelines in the ITC and Radio Authority Programming and Advertising Codes to guard against abuse. We would expect these rules and guidelines to be kept under review in order to ensure that they remain adequate safeguards against the danger of ownership by cult-like groups and to ensure that applicants for a religious licence are bona fide religious organisations.

On further reflection we should like to offer the following observations on this complex issue.

We agree that ownership by religious bodies raises specific concerns. We agree that religious content can be particularly controversial and that it is not always easy to distinguish between

religious, ethnic and political controversy. We are also sensitive to the arguments that where spectrum is limited the awarding of a licence to one or other religious group could be perceived as unfair or discriminatory in relation to other religious bodies.

We also agree with 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 the sensitivity of giving the powers of a multiplex licence holder to any organisation established in order to promulgate a particular worldview or set of beliefs.

These reservations, however, are not, in our view, sufficient reasons to justify *in principle* the continuing outright ban on religious bodies bidding for ownership of national analogue and digital licences. The increase in available spectrum and the advent of multi-channel digital broadcasting makes it increasingly feasible to imagine a future situation in which a number of different religious bodies might eventually be able to hold national broadcast licences. In our view, once the possibility exists of more than one religious body being able to hold such a licence the justification for a blanket ban is seriously weakened.

We do recognise, however, that a number of practical problems remain even if the ban is lifted. Accordingly we propose that, subject to a number of safeguards, religious organisations should be able to bid for and hold licences for a national digital sound programme service, for local digital sound programme services, and subject to significant safeguards, for a national analogue service.

National Analogue Licences

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

We would argue, however, that this objection could be overcome if a number of safeguards are introduced.

First, the licensing authority should have to apply a vetting process applying principles similar to those used already (Guidelines for Religious Ownership) by the Radio Authority to determine whether or not religious bodies are potentially fit to hold local analogue licences.

Specifically this would entail (1) taking into account whether the body would be able to adhere to the appropriate programming, licensing and sponsorship codes; (2) taking into account whether the current aims and practices of the body are compatible with the current programming, licensing and sponsorship codes; (3) requiring OFCOM to oblige the body to supply detailed information about its aims, objectives and beliefs; (4) requiring OFCOM to seek the widest range of advice about the credentials of the religious body applying for a licence.

Secondly, we would recommend that the authority should be obliged to take into account the extent to which the licence application commanded widespread support. We believe that if and when the availability of spectrum increases the extent of wider support required by a

potential licensee might be adjusted.

Thirdly, it would seem reasonable to us that in the present situation the authority could express a wish to consider applications only from those bodies which could demonstrate good relations ecumenically and in a multi-faith context.

Fourthly, we would not want to see licences awarded 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”.

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 need to promote the development of digital services, and the broadcasting potential of the Internet, we would suggest that the importance of demonstrating widespread support is lessened.

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

Multiplex Licences

Though we are reluctant to exclude religious groups from bidding for multiplex licences 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.

Given these considerations we believe that as long as religious bodies have a fair chance to provide digital sound programme services and are not discriminated against by multiplex owners, it would not be unreasonable to exclude them from ownership of a multiplex.

If it is agreed, however, that religious bodies can 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 or favour unfairly providers of sound programme services from the multiplex on grounds related to belief.

6.3.3 We welcome the emphasis on ensuring that in each local area listeners will be able to receive a plurality of voices.

6.3.6 – 6.3.9 We want to reiterate our support for Access Radio and we strongly support its establishment on a national basis.

Though we do not wish to comment on the technical merits of the Radio Authority and Commercial Radio Companies Association proposal for a new points system, we are in favour of measures which encourage plurality of ownership.

6.3.11 We believe the ownership rules for of digital radio should be consistent with those for analogue services.

6.3.14 Given our emphasis on maintaining the ‘localness’ of local radio, we believe that OFCOM should be given the power to vary any local licence following change of control so as to include conditions necessary to preserve the original character of the station. OFCOM should be required to do all in its power to ensure that the original character is retained or enhanced.

We agree with the Radio Authority that OFCOM should be able to refuse the change of control in local licences for two years where it believes this might jeopardise the character of a service.

6.4.1-6.4.15 We recognise the complexity and delicacy of dealing with press ownership. We do not wish to make a specific proposal but would underline the necessity of preserving and enhancing a diversity of views at local level. We would urge caution and argue that removing local newspapers from the regime entirely should not be done unless this Consultation reveals widespread agreement in favour of such a change.

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