

Mr David Patterson
DCMS
5th Floor
2-4 Cockspur street SW1Y 5DH

Listed Events Review – July 2009

Dear David,

I offer the following thoughts in response to the Government's free to air events review.

Q1. Do you think that the UK should continue to protect certain major events through live or deferred coverage on free to air television? Please give a reason for your response.

I strongly believe that the UK should continue to protect certain major events through live or deferred coverage on free to air television.

In my view the switch to digital strengthens the case for such a list because the number of channels available to free to air broadcasters which reach 95% or more of the population will significantly increase. This will ease scheduling problems. On the other hand the rationale for ensuring the 'crown jewels' of sport are accessible to everybody young and old, rich and poor, remains compelling. Many households simply cannot afford the £400-plus which it costs to have Sky Sports 1, 2 and 3 for a year. The 2010 Football World Cup and the 2012 Olympics are likely to reinforce the case for the list. Any school, pub, household, workplace or care home with access to a television or a computer will be able to watch all the action live and free. It is live sport that thrills the blood and a national conversation about these great events is so much richer if everyone can say "I saw it as it happened" and "I watched it with my friends or my classmates or my family". Given the amount of taxpayers' and Lottery money that goes into funding stadiums, elite sport and the sports bodies in general there is a strong argument that in return every citizen deserves a share of the live action. For example, many Test grounds have received such funding and the England and Wales Cricket Board (ECB) in the next few years will get more Sport England funding than any other sport, In such circumstances it seems odd that in Australia they can sit up through the night and watch the Ashes series on the free to air channel SBS whilst there is no live coverage on free to air TV in the United Kingdom.

Q3. Do you agree that this should remain the essential criterion test? If you do not agree, please explain why and please indicate what you consider should be the essential criterion.

I think there is a strong case for broadening the essential criterion test. Currently it reads:

- “The event has a special national resonance, not just a significance to those who ordinarily follow the sport concerned; it is an event which serves to unite the nation, a shared point on the national calendar.”

Possibly this wording is too ‘little Englander’ in approach. The United Kingdom is now a nation boasting many cultural and ethnic influences. Moreover, there are a handful of events which could be said to unite the world or the continent of Europe whether or not the Home Nations are always directly involved. I think in particular of the Football World Cup, the European Championships and the Olympics. In his speech at the launch of the World Cup bid, Lord Triesman referred to a number of iconic matches in both the World Cup and the European Championships which we all remember. He said:

“Ask people in Liverpool about 1966 and they’ll tell you about Pele and the star of the tournament, Eusebio, playing at Goodison Park. In Sheffield, people remember Davor Suker’s amazing chip for Croatia – that sunk defending champions Denmark at Hillsborough in Euro 96.”

If much of the World Cup and European Championships are taken off the “A list” in the future such matches are likely to be viewed only by a minority of the population. I therefore suggest that the essential criterion of a sporting listed event should be:

- “The event has a special national or international resonance, not just a significance to those who follow the sport concerned; it is an event which serves to unite the nation, the world or Europe, a shared point on the national or international calendar.”

Q5. Do you consider that these characteristics remain appropriate? If you do not, or consider that additional characteristics should be included, please explain why.

Q6. Are these the appropriate other factors that the Secretary of State should take into account when considering whether or not to list an event? If not, or you consider that additional factors should be taken into account, please explain why.

Q7. Do you agree that both an A and B list should be maintained? If not, please explain why.

Q8. Are there any issues that you would wish to bring to our attention in regard to the way in which the listing arrangements are given practical effect by OfCom?

The expansion of the number of digital channels which will be available free to air to over 95% of the population vastly diminishes any scheduling problems the free to air broadcasters may have in showing events on the “A list” live and in full. I note that one of the characteristics the Secretary of State takes into account is “the impact of listing, or reducing the income of potential income of the sports and consequences for that reduction on investment for increasing participation and/or improving levels of

performance and/or safe facilities.” To take the example of cricket I think that some of the claims made by the English Cricket Board have to be subject to more rigorous examination. The most comprehensive independent study of sport and active recreation participation has been done by Sport England. It is possible to compare the years 2007/2008 with 2005/2006. Active participation is defined as taking part at least once in the last four weeks. One thousand people are interviewed in each local authority district. The figures for participation in cricket do increase according to Sport England somewhat in that period which you would probably expect after the inspiring 2005 Ashes summer available on free to air TV. It is interesting to note, however, that the increase between 2005 and 2008 in participation in cricket (bearing in mind that live coverage of the sport disappeared from free to air TV in 2006) is only 39,200 compared for example with an increase in athletics participation by 460,000 and cycling by 334,700. Again it may be worth noting that both of these latter sports have extensive free to air coverage. The latest Sport England sports participation figures (from October 2008 to March 2009) indicate a small decrease in participation in cricket.

I attach David Conn’s recent article in the Guardian newspaper which casts some significant doubt on some of the claims made by the ECB regarding financial support for grassroots cricket from TV income. Again it is worth recalling that cricket will receive a £37.8 million grant from Sport England over the next four years. In other words nearly as much funding will be coming to grassroots cricket from the Lottery and taxation as from the TV deal. It is also worth noting that the TV contract was the subject of heated discussion within the ECB itself. The current chairman indeed tied in his most recent election, at the first time of asking, with the other candidate Mike Soper who said it would be in the best interests of the game to receive a smaller income from TV in return for wider exposure. Every other major sport manages to get some live coverage on free to air TV partly because of the listed events but partly as in the case of rugby league they made it a priority to do so.

Q9. Do you think that the Secretary of State should:

- **leave the current arrangements unchanged;**
- **move existing events between the A- and B- lists;**
- **add any entirely new events; or**
- **remove any events that are currently listed?**

Please give reasons for your answers.

Q10. If you have suggested that live coverage of any such tournaments should be listed do you think that:

- **the entire tournament should be listed; or**
- **only selected stages, events or matches involving national teams or representatives.**

Please give reasons for your view and, if you favour selected listing, please specify which tournaments and which stages, events or matches.

I think all the current events on the “A list” are in line with the ‘essential criterion’ test. In addition I think there are other major events which meet the criterion and deserve a place on the list I recognise that unlike those events on the “A list” currently they do not all have a continuous history of being shown live on free to air TV. There are also the interests of the rightholders to consider. In some cases I am therefore suggesting putting on the “A list” only part of an event or listing an event in only part of the United Kingdom thereby leaving the rightsholder with significant rights to put into the open market. It is worth remembering, however, that free to air broadcasters have to pay a “fair and reasonable price” if necessary determined by Ofcom to show the listed events. Consequently and in line with this thinking I believe the following should be added to the “A list”:

Football

- Qualifying matches of all the Home Nations for the football European Championships and the World Cup to be on the “A list” only in the Home Nation concerned.

This follows the precedent of the Scottish FA Cup final which is only listed in Scotland. Such matches are already listed for live coverage in Belgium, Denmark, France, Germany, Ireland and Italy. Given the record of Scotland, Northern Ireland and Wales qualifying for major tournaments it would be possible currently to grow up in those countries and never see the national team play live on free to air TV.

- Champions League Final

The European Champion League Final is now an event of international significance with large viewing figures.

Cricket

- The Home Ashes series in cricket and the final two days of the major Home Test series of the summer in other years.
- The final of the Twenty20 World Cup and the Cricket 50 Over World Cup and all England matches in those tournaments.

The Ashes are special. Sky appears to be peaking at about 1.5 million viewers at the time of writing no matter how exciting the action is. This compares with a Channel 4 peak of 8 million four years ago and a men’s Wimbledon final peak of 12 million this year. The 2013 rights have already been sold so in effect we are talking about the 2017 rights. Between 2004 and 2008 there were 35 Home Test matches; play went into the fifth day in 18 of them, whilst 13 finished within 4 days and only 4 within 3 days. The partial A listing I suggest would give free to air TV a worthwhile product whilst leaving the ECB with many other rights to sell. As for the proposed listings of the Twenty20 World Cup and the cricket World Cup although these events are becoming increasingly popular these do not have a continuous history on free to air TV nor are they as internationally resonant as the football World Cup so a partial listing is justified.

Golf

- The final day of the British Open and the Ryder Cup. There is now a precedent in the current European Professional Golfers' Association contract for the BBC and Sky sharing golf coverage, with the BBC only showing live the latter stages of the tournament. It would seem proportionate to put on the "A list" three live days of golf coverage every two years without unduly affecting the interests of the rightsholders.

Rugby Union

- The matches involving the Home Nations in the Rugby Union World Cup should (like to final) be on the "A list" given the growing stature of the tournament and its history of coverage on free to air TV. Rugby Union has a particular resonance in Wales and there is a strong case for listing in Wales the matches of the Welsh Rugby Union team purely in Wales.
- Finally, it seems strange that matches played by the British Lions are not on the 'B list'. For recent tours, highlights have only been available on S4C.