

*Championing
excellence and diversity
in broadcasting*

Founded in 1983 by Jocelyn Hay CBE



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**RESPONSE BY THE VOICE OF THE LISTENER & VIEWER (VLV)
TO THE DEPARTMENT FOR CULTURE, MEDIA AND SPORT CONSULTATION
ON
A NEW BROADBAND UNIVERSAL SERVICE OBLIGATION**

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INFORMATION ABOUT THE VLV

Voice of the Listener & Viewer Limited (VLV) represents the citizen and consumer interests in broadcasting and speaks for listeners and viewers on the full range of broadcasting issues. It uses its independent expertise to champion quality and diversity in public service broadcasting, to respond to consultations, to produce policy briefings and to conduct research. VLV has no political, commercial or sectarian affiliations and is concerned with the issues, structures, institutions and regulations that underpin the British broadcasting system. VLV supports the principles of public service in broadcasting. It is a charitable company limited by guarantee (registered in England No 4407712 - Charity No 1152136).

INTRODUCTION

VLV welcomes the opportunity to respond to the Government's consultation on its proposed approach to introducing a new broadband Universal Service Obligation (USO).

VLV's primary concern is that public service broadcasting content should be available universally to the UK population. Therefore, we make this submission on understanding that until superfast broadband delivery is guaranteed for every home in the UK and considered robust enough to be able to provide content to the whole population simultaneously, it should remain a priority for Government to ensure that the technology and spectrum required to provide content on free to air television and radio platforms should be guaranteed.

We note that despite the support of public funding, *there are still pockets of the country where decent connectivity is an aspiration rather than a reality.*

We welcome the announcement of the Government's intention to put broadband on a more equal footing to other essential services such as electricity and water, providing citizens with the legal right to a connection at a minimum speed no matter where they live or work.

However, we oppose the proposal that this right should be limited to being able to 'request' a service. This places no obligation on a service provider to actually provide the service and therefore somewhat undermines the credibility of the approach as laid out in the consultation document.

We are also concerned that the wording in the consultation document and the proposals is too vague, meaning that the USO might result in few if any guarantees for citizens, despite its apparently admirable intentions. It is our view that phrases such as "reasonable cost threshold" and "affordable" should be made more specific.

Taking into account these caveats, VLV supports the ambition to clarify in primary legislation the Government's powers to implement a broadband USO.

VLV supports the proposal for primary legislation which would provide the Secretary of State an explicit power to introduce a broadband USO to ensure the provision of functional internet access considered appropriate for today's needs, as long as this was subject to prior approval by the House of Commons.

VLV would consider secondary legislation appropriate setting out the scope of the USO which Ofcom will then be responsible for implementing, provided that such legislation includes provision for public consultation on any proposed revision. Such consultation should include the opportunity for full debate of proposed secondary legislation in the House of Lords.

Question 1: Do you have any concerns about the approach that has been set out here?

VLV is concerned that the approach set out in these proposals is over-reliant on a demand-led model. A demand-led approach puts the burden on citizens. It gives no guarantee of them being able to receive the services which the USO aims to provide. We believe that the burden of the responsibility to provide a universal service should lie with the suppliers rather than the consumers.

With reference to broadcast content, public service broadcasters have always supplied services on a 'supplier-led' basis. We believe that the provision of online services by public service broadcasters should not be demand-led, but should be designed to meet the democratic, social, cultural and national needs of the UK public in a universal manner.

Question 2: We do not propose to specify speed in primary legislation. Should speed be specified in primary or secondary legislation?

It is our view that a minimum speed of "at least 10Mbps per household" should be specified in primary legislation but could be modified upwards in secondary legislation. However, the primary legislation should require the Secretary of State to consult publicly on any proposed amendments to secondary legislation.

Question 3: In terms of giving the Secretary of State a power to direct Ofcom to review the USO, should Government have a continuing role in the USO, or should this be a matter for Ofcom?

We would support the additional measure proposed in primary legislation which would provide the Secretary of State with a power to require Ofcom to review the USO, as appropriate, to ensure that in future people and businesses that rely on the USO do not fall behind as demand for faster broadband connection grows.

We consider that the Government should have a continuing role in USO rather than this being a matter solely for Ofcom to decide upon.