

The BBC, the Licence Fee and the Digital Public Space

- Open Lecture -

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It's such a great pleasure to be giving this talk today.

Thank you John, for inviting me.

Over the years I have had some wonderful jobs and some degree of success in being instrumental in the development of a number of interesting media products or services, a few of which have become quite well known and loved – such as The Guardian's Guide and website, When Saturday Comes (still the best half-decent football magazine in the UK), and more recently the BBC's genome and RES projects and, of course the iPlayer.

However, my current day job as Controller of Archive Development at the BBC is possibly the most interesting

and challenging of them all and, if the ideas we are working on are successful, it is the job that has the potential to bring about the most universally beneficial and empowering change of them all.

Originally I was invited to come along and explain a little of what is meant by this term ‘Digital Public Space’. I realise it is a difficult concept to grasp all in one go, even for those of us who are trying to make it happen but you seem like a friendly bunch so here goes...

“In a nutshell, the ‘Digital Public Space’ is intended as a secure and universally accessible public sphere through which every person, regardless of age or income, ability or disability, can gain access to an ever growing library of permanently available media and data held on behalf of the public by our enduring institutions.

Our museums and libraries; our public service broadcasters (all of them); our public archives; our government services. Every person in this country, whether adult or schoolchild, should be able to use the Digital Public Space to access... for research or for amusement, for discovery or for debate, for

creative endeavour or simply for the pleasure of watching, listening or reading ... they should be able to access the priceless treasures that have recorded, reflected and shaped our shared national heritage.

Our National Abundance. Our Inheritance. Our Story.

It is our right to have this access, and it should be freely available to all.

The Digital Public Space must – by definition – be equally accessible by everyone, universally equivalent and unconditional. It must be dialogic, open and protective of the rights of all participants and contributors. It must be available at all times and in all locations, it must expect contributions from every member of our society and it must respect privacy. It must operate only in the best interests of the people that it serves; absent of overtly political or commercial interests. And it must endure.

Digital technology certainly holds out the potential for making this possible. But don't expect it to just happen. Despite exciting our imaginations and driving up our

expectations, digital technology can also be a bit of a lazy devil – quite understandable really given it is, metaphorically at least, still something close to a surly teenager.

But we must be careful when we think it will, all by itself solve the problems it creates; as Stuart Brand once said “Digital solutions will last forever or for five years... whichever comes first”. I believe the engineering term for something as complicated as this proposal for a Digital Public Space is ‘Decidedly Nontrivial’ meaning requiring both real thought *and* significant engineering power.”

So, given the audience today, I thought it might be interesting if I shared with you one of the paths that I took to arrive at that seemingly impossible, or at best improbable, proposition and I’m going to argue that, despite the enormous challenges of making such an idea a reality, there is already an existing publicly funded organisation which is perfectly placed to provide the leadership - the real thought and significant engineering power – that will be needed for the development of such a public realm, because although

we may not realise it, that's exactly what they have been doing, on our behalf, for almost a century.

In my view, it is the greatest media organisation ever established in the history of the world.

It is The BBC.

But first I want to start off by asking which you think came first – the BBC or the Licence Fee.

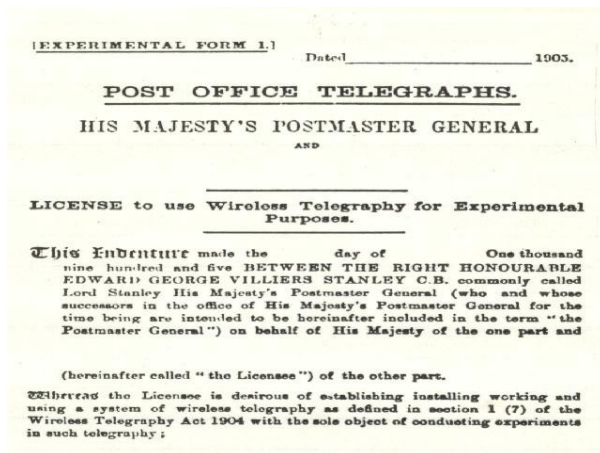
Hands up for the BBC...

... Hands up for the Licence Fee...

... And which of you think they came into being at about the same time? ...

... And which of you don't know?

Congratulations to those of you that guessed right...



The Licence Fee actually predated the BBC by about 20 years!

Now I realise that almost nobody would stop to think about that question in the first place because when asked what the Licence Fee is for, most people say BBC programmes. It's certainly what the majority of the money is spent on and long may it remain the case.

The BBC makes without doubt some of the greatest and most important programmes – both radio and television – anywhere in the world today. It's hard not to get excited by *Wolf Hall*, *The Archers*, *The News Quiz*, *The Fall* and landmark sporting occasions such as our unprecedented coverage of *The London Olympics*.

Our Children's programmes are truly second to none and, in aggregate, our International, National and Local News services have no peer anywhere on the planet.

In the upcoming conversations about the renewal of the BBC's Charter, it is natural to ask the question 'What is the BBC for?' and an equally natural and common refrain, is that we make great TV programmes in support of our public purposes... and so, of course, the public want us to get as much of the Licence Fee 'on screen' as possible.

However in this talk I will argue that this is not only somewhat untrue, in as much as it is only part of the picture, it is also potentially and dangerously misleading. I will show that the BBC and the Licence Fee are symbiotic, certainly; but not synonymous.

Part of the reason for this is what it is currently called: 'The Television Licence'. I think as a matter of urgency, it should be renamed.

Because as it currently stands we all only tend to compare the BBC to other 'competitors' in television against the

quantity and quality of the programmes that *they* broadcast.

In the vast majority, if not all cases, the BBC compares favourably with this ‘competition’ but that is not the point. In fact this is simply the wrong paradigm.

How did we get here? I want to go all the way back and ask what the world looked like in February 1920.



There is no electricity as we know it. There is nothing like the choice of reading material that we have today and anyway many, many people can't or don't read. Most women got the vote two years earlier but some still have to wait for another eight years. The First World War ended only two years ago. We've only just adopted British Summer Time.

There are no traffic jams, no Times Crossword and no sliced bread.

And there is no BBC.

Around the turn of the 20th century, the thing that we now call broadcasting was starting to emerge although it wasn't yet called 'broadcasting'. It was called wireless telegraphy: the ability to send information through free space without a connecting electrical conductor... or 'wires' to you and me. This emerging technology had (and still has) a number of unique characteristics;



- It could reach every part of the UK – even the remotest island received the same signals

- It transmitted the same version to everyone regardless of what they received it on
- It didn't require the user to acquire any new skills (e.g. reading) - just tune in and listen
- There was no need to travel to the venue where the event was taking place
- The radio waves were ubiquitous – almost 'omnipresent' – they couldn't be 'turned off'
- All of this at zero marginal cost of distribution and reach – to the broadcaster or the user

It was different to any medium that had gone before. At first it was quite hard to work out what to do with it, but it soon became clear that, if it could be tamed, then we could do amazing things with it.

We had thoughts of bringing Sweetness and Light into every home (Matthew Arnold).



John Reith was soon to suggest that it would allow Nation to speak peace unto nation. It had the potential to connect the entire nation, to give the best seat at the concert, to eradicate loneliness. And of course, to inform, to educate and to entertain – but not just the privileged few... everyone.

Our politicians looked around the world to see how other countries were using as well as funding these emerging broadcast technologies. They saw two things:

In the US there was what was described as a ‘free-for-all’; a bit of a cacophony. They decided that *we* didn’t want that. There was also an underlying suspicion that the potential of this new technology was rather ‘squandered’ by being used mainly for broadcasting ‘Light Entertainment’. It was felt

that there was great potential to *also* use it for enlightenment and other so called ‘uplifting’ purposes.

Looking across Europe there were concerns that broadcasting risked being abused by political interests if controlled entirely by the state. The term ‘propaganda’ appears frequently in the documents of the time; although it was not used in quite the same way we have come to use it since the Second World War.

Not that either of these approaches was seen as wholly ‘bad’ – as my Italian born mother said when I told her I was joining the BBC “it wasn’t *Garibaldi* that unified Italy, it was radio” – it was more that they believed that there was much, much greater potential for public benefit than either of these models were likely to achieve.

In those earliest days, although it was clear that broadcasting had great power there were also real concerns. Everybody could hear everything! At this stage, this looked more like a bug than a feature; the military were specifically concerned in much the same way that the authorities are

concerned about the internet today. There was a worry that it could be used to destabilise countries.

And so, to try to control, and essentially restrict, this exciting but as yet unproven technology to only those who had a bona fide reason to be using it, permission had to be sought from the General Post Office to experiment or own equipment and three types of licence were established:

- A Licence to manufacture any equipment – bearing in mind this was military grade technology
- A Licence to broadcast over the airwaves – what are you broadcasting and to whom?
- A Licence to own the receiving machinery for what was known back then as ‘listening in’

The Licence for ordinary people to be able to broadcast was abolished during the First World War and the receiving licences suspended until around 1920.

TELEGRAM FORM	
TO:	AUGUST 1, 1914
In accordance with your wireless	
licence Postmaster General requires	
you to remove at once your aerial	
wires and dismantle your apparatus.	
One of his officers will shortly call	
upon you.	
King, Secretary, Post Office	

The Licence to manufacture was replaced by the formation of the British Broadcasting Company in 1922, by a pioneering group of radio manufactures who issued standards to the UK's other, smaller manufacturers who in turn became 'members' of the association. It also started to broadcast radio programmes in order to give people a reason to buy radios, funded through sales of the radios themselves as well as some sponsorship – but not advertising.

The Licence to own receiving equipment – the first of which, I believe, was issued by the Post Office in 1905 – was retained. That is the one that endures today – the permit to access the airwaves – and was the method eventually chosen to fund the British Broadcasting Corporation when it was created by Royal Charter in 1927, whereby most, but not all, of the money raised by the GPO was used to fund John Reith's BBC.

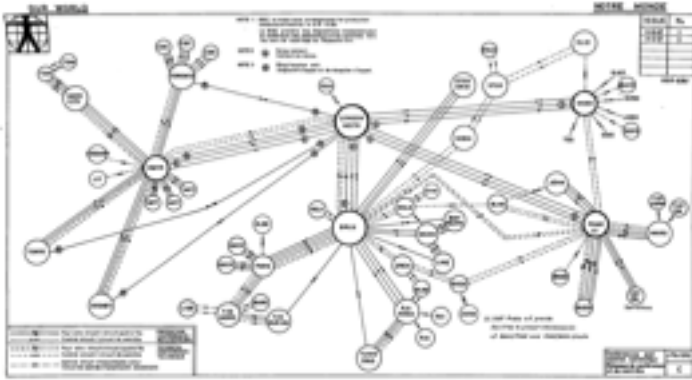
At the same time, the Government designated a part of the spectrum for the exclusive use of the public – separate from military use, whose signals needed to be encrypted. The public's machines were designed to only 'listen in' to that defined public access range of frequencies.

How to make this work in practice, in the best interests of all was a significant challenge – Decidedly Nontrivial in fact, requiring real thought and significant engineering power. And so the BBC was asked to develop the technology and broadcasting services in the national interest. Its job was to push the capabilities of the medium to its limits, to develop formats and output that were interesting, useful, uplifting, empowering and delightful within those permitted frequencies.



So we have established the development of the public airwaves, the origins of the BBC and the potential of the BBC to do wonderful things. An 'Analogue Public Space' if you like. This publicly owned and funded spectrum was protected from overtly commercial or political interests and intervention and over time came to be shared by a wide number of organisations, many of whom were almost entirely commercial in their operations, but all of whom benefitted from investment and innovation by the BBC. Therefore, unknown to almost everyone, for the majority of its life, the BBC has been a world class engineering organisation pushing the boundaries on behalf of the population of the UK and the whole of the industry – from manufactures, to other 'competing' broadcasters in both radio and television: sharing technologies to enable broadcasting to go further and faster; introducing standards for pictures, colour, clearer sound, teletext, and HD.

Different kinds of programmes and formats were introduced to demonstrate and drive the technological innovation, sales and skills. Snooker demonstrated colour. The initial idea behind the Eurovision song contest was a worldwide collaboration to join up a network of satellites.



That first programme was called ‘Our World’ and featured a new, specially written song from the Beatles: ‘All you need is love’.

Our engineering excellence drove all of this. The BBC pushed technology to its limits and, along with this, it came up with new formats and ideas to excite and delight.

It has also kept a steady and robust hand on the editorial independence and the integrity of that ‘analogue public space’. UK News and Current Affairs, and in particular BBC News and Current Affairs, enjoys the highest international acclaim and respect. I believe the role of the BBC in setting and maintaining quality and standards for the entire industry cannot be over stated. If the only motivation for covering news is commercial – then we eventually find

ourselves with a news agenda of gossip, sex and strange or cute animals.

But by having news coverage and agenda-setting which is led by principles of public interest, holding the authorities to account and including a full range of voices from around the world as well as at home, the BBC sets a bar which encourages other providers to follow-suit.

Together the BBC and the Licence Fee have ensured that, for the best part of a century, all you need to be part of the greatest conversation that any nation on earth has been free to enjoy, is a receiving device and a permit to 'listen in' or watch...

How did the Licence Fee go from all that, to being only about making television programmes? I think I can show you exactly how:

Here is an advertisement against Licence Fee avoidance from around 1974. [play first commercial – embedded in powerpoint]



There are a couple of things you may not have appreciated about this advert at first sight.

First of all, it was made by the Home Office on behalf of the Post Office. As I said, back then it was the Post Office that issued and collected the licences and the Home Office who enforced them and decided the level of penalty for avoidance. It was never, and is never, the BBC sending people to prison.

The ad is dark and threatening but the important point you may have missed is this: they were watching Columbo! That wasn't a BBC programme; it was shown on ITV, which is as you know fully funded by commercials. It was and remains the case that if you want the freedom to access that protected slice of spectrum that carries live transmissions,

you have to obtain a licence on behalf of yourself and those in your household who also watch or listen, including those who cannot pay for themselves – in particular your children. It is worth just checking what it says in the Charter about Licence Fee Payers. It says this:

57. The meaning of “licence fee payer”

In this Charter, a reference to a “licence fee payer” is not to be taken literally but includes, not only a person to whom a TV licence is issued under section 364 of the Communications Act 2003, but also (so far as is sensible in the context) any other person in the UK who watches, listens to or uses any BBC service, or may do so or wish to do so in the future.

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In other words, everyone in the UK is a Licence Fee Payer, whether they actually ‘pay’ the licence fee themselves or not.

The public broadcasting spectrum is as much theirs as it is the people who actually pay for it and the obligation lies with those of us who are responsible for paying it to continue to fund and maintain this precious entitlement... for everyone.

It’s not a tax. It’s a permit and the whole of our society benefits from its unique status and, in particular, from the protection it buys us from those who would see that preserved public realm removed or obstructed or turned only into a means of charging everyone who can afford to, to pay more for less.

When does that all change?

Unfortunately, and it really pains me to say this, it all appears to change with John Cleese.

He is without doubt a genius and certainly one of the most significant individuals ever to grace our airwaves. However, in a genuine attempt to help quell the tide of resentment towards what still to many feels like an unfair charge for something we don't always appreciate, he casts the die.

[Play second commercial – embedded in powerpoint]



This is a wonderful ad, clever, funny, much slicker, much more upbeat, certainly less intentionally sinister, but sadly gets the wrong end of the stick. This advert equates the Licence Fee only with the BBC's programmes. It even ends with: 'The BBC - Is 16 pence a day really too much to ask?', instead of the Television Licence – etc. etc. which is what the ad is actually for.

Of course the BBC broadcasts great programmes, but it is not the only public service organisation that does. His comment at the end about there being no commercials within the services covered by the licence is entirely incorrect. In fact, he really should have included programmes and presenters from ITV and Channel 4. He should have included technological innovation, research and development.

264 OFCOM reports on the fulfilment of the public service remit

(11) The following are relevant television services for the purposes of this section—

- (a) the television broadcasting services provided by the BBC;*
- (b) the television programme services that are public services of the Welsh Authority (within the meaning of section 207);*
- (c) every Channel 3 service;*
- (d) Channel 4;*
- (e) Channel 5;*
- (f) the public teletext service.*

(12) The following are public service broadcasters for the purposes of this section—

- (a) the BBC;*
- (b) the Welsh Authority;*
- (c) the providers of the licensed public service channels; and*
- (d) the public teletext provider.*

But most of all he should have said that the Licence Fee ensures that the allocated public spectrum is safeguarded and secured and that barriers to entry cannot be placed in the way of the general public by either politicians or commercial gatekeepers.

We need to rediscover what it is that only the Licence Fee only does.



The BBC is not a competing media business in the usual sense of the term. If the BBC were a bank it wouldn't be Barclays or HSBC. It would be the Bank of England. It sits to one side of those that compete for business and safeguards the entire system itself for the benefit of all – providers and public alike. It enables plurality not competes with it. It raises the quality threshold and maintains standards. It underpins and supports the greatest media eco-system in the world.

The Licence Free defends the airwaves to allow others to innovate. A lot of that innovation was indeed commercially driven and funded by advertising but while the BBC, funded through that Licence Fee, continues to keep it secure, it

guarantees that everyone has the same rights to access it all.

So what? you might say. That was then, this is now. We've all moved on and many of us don't even watch live broadcasting as much as people did back then. Well, that brings me to the main point of my talk.

Because we've fallen asleep at the wheel. A new technology has emerged that is likely to change everything for ever: the internet. When we eventually move to a fully IP delivered world we are going to discover something altogether disturbing.

Without us really noticing it happen, the internet has started to strip away not only those original unique characteristics, there are three other even more important properties that broadcasting also gave us; three characteristics, so it turns out, that are fundamental to the vibrant and democratic nature of our media consumption in the past, and that we will sorely miss if they were taken away. These are:

1. Total anonymity – You can watch or listen, secure in the knowledge that nobody can know what you are doing and exploit it for commercial or political ends or to your disadvantage.
2. Unmetered consumption – there was no limit to the amount of broadcasting that you could have or where you chose to access it without additional charge or fees
3. It cannot be taken away – the confidence to know that you, or other members of your family, will never be cut off from any of the public service broadcasters

The internet - certainly when thinking about using it to access the public service broadcast networks - removes all of those things. Over and above these, access to the internet is shaped by a significant range of variables and no two people are exactly the same. There are growing concerns around:

- Who does and does not have access to the Internet in the first place;
- The speed, level and cost of access that they have or can afford;

- People's right to privacy and to retain ownership of their activity, thoughts, comments, and creativity
- Their ability to keep up to date with hardware, software, operating systems;
- The motives of gatekeepers and service providers who stand between the public and the organisations that they wish to access;
- How often each of these will change during their lifetime and the levels of impact on them, their rights and their families

We've got the cacophony we previously and skilfully avoided. We are now in a situation where the commercial sector has complete control. And they are dividing up the spoils often making commercial return the only criteria for developing or maintaining our right to access our public services – including but not limited to the public service broadcasters themselves. In many cases obsolescence is built in as the operating model itself. We need to pay them, and to keep on paying, simply to keep pace – eventually we will lose the concept of free-at-the-point-of-use to all public services when they are delivered over IP.

This is a major problem. There is something particular about the media that we understood all the way back then, but have now forgotten. A fully functioning democracy demands that everybody always has the same access.

Whether it is about holding politicians to account, terrorism threats, consumer rights, health information, everybody should be involved and fully represented.

Soon even getting to the BBC will be entirely mediated by commercial operators. So will digital access to public libraries, museums, galleries, education, the NHS and the wider public sphere.



In order to watch the news in future, whether from the BBC, ITN or Reuters, you will have to pay an ISP or MNO, over and above the money that you have already paid for the news to be gathered in the first place – be that through your licence fee, subscription payment or the ever growing percentage of your weekly shopping bill that is handed over via the advertising industry – itself a truly regressive tax if ever there was one.

It will soon be impossible for journalists to protect their sources – as long as webmail service providers are ‘legally’ scanning and retaining your email – in particular those of the very people most likely to whistle-blow or refuse to be silenced.

Because there is NO safeguarded allotment of bandwidth for public access and discourse – free of political or commercial imperative or intrusion.

There is NO principle of privacy or protection of the rights of the individual to own and retain control over their contributions or creativity. The default position of many,

many providers of online services and social media networks – in the words of an old internet meme is ‘All your Base Are Belong to Us’.

You cannot keep your children safe online – whether from classroom bullies, predatory adults or unrelenting marketers determined to catch them while they are still too innocent to know the difference between friendly suggestions and cynical consumer profiling and consumption grooming

There is NO guarantee of universal access or provision regardless of income or status

What would John Reith do? I can't tell you for certain but my hunch is he'd want to put it back.



Go back to those basic values and engineering principles that underpin the entire broadcast system. We need to

preserve an allocation of the internet entirely for universal access to public services, free at the point of use, for everyone.

We need to restore the right to access as much of the services we already fund as we choose or need – not just for those who can afford pay or who choose to pay, but for everyone who cannot.

We need to safeguard privacy, personal data and the right to be a part of the national debate – not only for those who have time and money to spare or the confidence to do battle with the trolls. Losing those things will only leave us poorer.

No country has ever come up with a better broadcast ecology – no matter what those who insist otherwise will have you believe. The BBC is still the envy of the world and I am yet to be shown a single example of a better way of funding something better.

So what would the ‘Digital Public Space’ look like?

It should have all the original values of the ‘Analogue Public Space’, plus some amazing new features and services that were previously impossible or unimaginable:

1. It would ensure a guarantee of access to a protected allocation of internet bandwidth for every citizen, free at the point of use, at home and in key public places – conceptually similar to frequencies within the broadcast spectrum reserved for Public Service Broadcasting
2. The Digital Public Space will offer an ever growing digital library of digitised media and assets from our publicly funded organisations: our public service broadcasters, our museums, libraries and archives, our institutions of education and our public services.
3. The Digital Public Space will offer innovative products and services that allow people to access, contribute to and communicate with the public and cultural sectors
4. Users can be safe and secure to discover, use and share without fear of loss or theft or unintended exposure of their personal data and creative endeavours

5. The Digital Public Space works through unmetered consumption, free at the point, of use for every person, regardless of status or ability. The Digital Public Space will not require a broadband subscription. It will be available anywhere across the UK, at any time, to anyone.
6. And finally: the Digital Public Space cannot be taken away.

To get there, perhaps we may need help from the source that created the BBC in the first place – an ambitious desire for there to be an infrastructure constantly developed in the public interest. The combination of Real Thought and Significant Engineering. In fact we already have that remit written into the BBC charter. The sixth public purpose for the BBC states:

(f) in promoting its other purposes, helping to deliver to the public the benefit of emerging communications technologies ...

I believe that to understand the BBC's relevance in the 21st Century, we need to ask, not just “what is the BBC for?” but

also “what is the Licence Fee for?” They are not the same thing but, inadvertently, we have allowed them to be seen as the same.

I think we should go back to first principles and consider the emerging needs of all Licence Fee Payers – not only those who actually pay the fee itself – and ensure that in the future each and every one of us has guaranteed access to the public sphere, control over their own data and identity and enduring services that they can trust and depend on.

We used to be broadcast beings. We are now internet beings. However with more and higher barriers to entry to the digital realm we must work hard to ensure that nobody is stripped of the ability to be a citizen of the future.

I believe that is, and has always been, the higher calling for both the BBC and the Licence Fee.