



## Ofcom Consultation on Proposed Annual Plan 2017/18

### Response from the Radio Society of Great Britain

January 2017

This response to the above Ofcom consultation document is from the Radio Society of Great Britain (RSGB, [www.rsgb.org](http://www.rsgb.org)) on behalf of its members and the wider Amateur Radio community in the UK. The latter includes both individual operators as well as a variety of special interest groups, who all have strong interests in well-resourced spectrum management, enforcement and the ongoing degradation of the noise floor

The RSGB is recognised as one of the leading organisations in the world in the field of amateur radio. It collaborates with its fellow national societies via the International Amateur Radio Union (IARU) through IARU Region 1 ([www.iaru-r1.org](http://www.iaru-r1.org)).

Amateur radio is a science-based technical hobby enjoyed by over three million people worldwide. From a statutory point of view, it is fully recognised by the International Telecommunication Union (ITU) as a Service and is listed in the ITU Radio Regulations as the Amateur Service and the Amateur Satellite Service.

Amateur radio promotes, training, experimentation and innovation in radio techniques and propagation, and as such is highly aligned with valuable STEM skills. In many respects the amateur community is a bellwether for radio spectrum. Unfortunately this has put us in the frontline as a witness to the degradation of spectrum quality from both unwanted RF emissions and noise from equipment. Our concern is further compounded by the unwarranted resourcing reductions that Ofcom apply to spectrum policy and enforcement at a time when UK Industrial Strategy<sup>1</sup> identifies it as an area to grow as well as the skills to back that. Thus, this is not merely just an amateur radio concern, but has implications for Ofcom fundamental duties for all spectrum users and ultimately UK plc.

We hope that this input improves Ofcom's awareness and priorities.

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<sup>1</sup> "Building our Industrial Strategy" – UK Government Green Paper, January 2017

## Ofcom Consultation: Proposed Annual Plan 2017/18

### Detailed Items & Response

*Para 5.9: Ofcom advises and assists spectrum users to help resolve harmful interference. Our Spectrum Technology, Engineering and Enforcement Teams handle reports of interference and carry out activities to protect and manage the UK's spectrum. These include reacting to interference to safety-of-life communications and proactively preventing unauthorised use of spectrum by identifying and addressing unlicensed use of spectrum and the sale or use on non-compliant equipment. Our enforcement is proportionate, in accordance with our statutory duties and regulatory principles."*

#### 5.9) RSGB Response

The RSGB takes issue with this statement. Ofcom does advise complainants, from the amateur community - and elsewhere we gather - but usually only to the extent of advising that they can do nothing and have no further interest in the case. They rarely do anything to assist through using their statutory powers under the Wireless Telegraphy Act, the TV licence (powers granted under the Communications Act), or the EMC Regulations.

When Ofcom assumed responsibility for spectrum management from the Government in 2003 there were 100 field staff dealing with interference and enforcement work, supported by a number of other enforcement and engineering specialists and managers. Several commentators felt that was insufficient for the challenges facing the threats to the radio spectrum. Since then the spectrum has become steadily more polluted as the number of non-compliant and faulty pieces of electronic apparatus and equipment has risen coupled with Ofcom's reluctance to act against them, while spectrum use has continued to grow. Instead of rising to the challenge, Ofcom has in fact constantly reduced staff until it now claims to have just 30 field engineers for the whole UK. In our view this is short-sighted and inadequate. To demonstrate how Ofcom masks this inadequacy we note that they have raised the noise threshold for technical assignments for commercial licensees. This cannot be done for the Amateur Service, with inevitable consequences.

The sources of interference to the Amateur Service are manifold and increasing. New installations, such as windfarms, domestic solar power systems and VDSL cause severe problems. However Ofcom's usual response is to merely check that the individual components are CE marked. They do not acknowledge that the EMC Regulations also require that apparatus must be compliant when first taken into service. Ofcom also says it is disproportionate to act in only 100 cases when there are 6.5m VDSL installations. However that is a statistically invalid way of looking at the issue. We are not looking to have the whole VDSL network closed down, but just a number of serious individual cases resolved. In a similar way Ofcom refuses to intervene using its powers under the TV licence to stop the use of elderly plasma screen TVs which radiate.

Over many years the RSGB has been urging Ofcom to update their interference Regulations, which can be used to stop interference from a wide range of apparatus when it is in use. While we welcomed the updating that took place in 2016, we pointed out several flaws in the Regulations. These were not accepted by Ofcom.

On a practical level, while Ofcom assists and resolves some easier cases, many that have been brought to our attention from individual amateurs and those seeking assistance from the RSGB EMC Committee have been dismissed by Ofcom as not meeting the requirements for Harmful Interference (even though the legal definition is clear) or have been closed as they have not met arbitrary requirements and deadlines. Meanwhile, Ofcom refuses to take on the more difficult installation cases detailed above.

Given that the Amateur Service is a bellwether for the spectrum in general we expect our concerns to be taken seriously. Clearly, we would not expect Ofcom to act on trivial claims but we do expect obvious and well documented cases to be treated seriously. That we have legitimate concerns is echoed by the aims of the EMC Directive which includes the protection of the Amateur Service, whilst additionally the Wireless Telegraphy Act makes no discrimination against any authorised radio service, other than for the priority to safety of life services.

We therefore hope Ofcom will re-appraise their proposals towards interference resolution, taking a more positive line and promising to increase resources. The RSGB EMC Committee is always ready to help Ofcom in whatever ways it can and we have acknowledged expertise in this area.

## **We will continue to deliver efficiencies and savings**

**Para 6.1:** *The Government set out its plans in the November 2015 Spending Review to reduce the deficit in public finances. Further substantial savings are expected to be achieved by public sector bodies.*

**6.2** *Ofcom will continue play its part in meeting the challenge facing public finances and is committed to achieving real-terms reductions over the Spending Review period. The proposals set out for 2017/18 build on our previous work to reduce our budget; Ofcom has delivered 12 consecutive years of like-for-like real-terms budget reductions, and will continue to reduce spending wherever it can.*

### **Our budget for 2017/18**

**6.3** *Our 2017/18 Annual Plan supports the efficiencies that we identified and set out in previous Annual Plans. It also reflects our commitment to providing value for money, particularly important as we respond to new challenges in the markets we regulate. In light of this, we have set our budget at £120.5m, which includes capacity for our new responsibilities regulating the BBC. Excluding the additional costs related to our new BBC responsibilities, this represents a 1.8% real-terms reduction from 2016/1711. Due to the timing of the Government's Autumn Statement, we will consider any changes necessary to our budget for 2017/18 and set this out in the final version of this Annual Plan.*

**6.4** *The Digital Economy Bill has now been published and sets out measures to simplify Ofcom's funding model. These proposals mean that Ofcom would be funded entirely through industry fees and charges, a more efficient model that also helps to underline our independence.*

## **RSGB Response**

Our concerns regarding the increase in the EM noise levels, interference and EMC are clearly related to Ofcom's resourcing and the funding and priorities associated with that. Yet we should not have to point out that one of Ofcom's most fundamental duties is:-

*(2)The things which, by virtue of subsection (1), OFCOM are required to secure in the carrying out of their functions include, in particular, each of the following—*

*(a) the optimal use for wireless telegraphy of the electro-magnetic spectrum;*

*(4)OFCOM must also have regard, in performing those duties, to such of the following as appear to them to be relevant in the circumstances—*

*(f) the different needs and interests, so far as the use of the electro-magnetic spectrum for wireless telegraphy is concerned, of all persons who may wish to make use of it;*

Ofcom must have fuller regard to its primary duties and in particular whether it more fully supports or risks undermining the Government's new Industrial Strategy, which sees growth driven by the IoT, 5G, STEM etc. Those RF and STEM objectives rely on maximising the benefits of the electromagnetic spectrum and achieving that involves creating new generations of self-trained technically savvy amateurs – and subsequently inspiring them to become valuable RF professionals and thus underpin the RF growth agenda.

In the past Ofcom has dismissed amateurs concerns as being merely in 'low value' HF spectrum, but recently Ofcom's own planning criteria is being revised for a 12dB increase in the VHF noise floor and it has been deliberately using the 5GHz microwave noise floor as justification for other policy changes – frequency ranges that overlap high-value current and future sectors. Therefore, given...

- a) A modern wireless connected society will have millions more devices
- b) Noisier consumer electronics, not helped by sub-standard or non-compliant devices and installations (made worse by rising bus/clock rates etc)

...it is time Ofcom recognise that ongoing self-inflicted budget cuts are unwarranted in this area and that greater funding and priority is required.

Furthermore given the broader factors we have outlined, we would encourage Ofcom's work program to undertake a fuller strategic review in which both the spectrum policy and practice are looked at in an integrated manner – with a view to increasing their resourcing and priority, relative to other Ofcom activities.