

Localness on Local Commercial Radio Stations

An interim consultation document reviewing localness basics

Issued: 4 March 2004

The deadline for comments is 5pm on Thursday 8 April

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Executive summary

S1 Ofcom has a duty under Section 314 of the Communications Act 2003 to draw up guidance in relation to the local content and character of independent local radio ([Annex A](#)). This document examines the localness issue which Ofcom is required to interpret with regard to local (ie not national) radio stations.

S2 The proposal here will result in interim guidelines on localness being issued to existing licensees as a pre-cursor to, and support for, more detailed research and consultation as part of Ofcom's overall radio strategy.

S3 It makes a number of statements with regard to Ofcom's views on the basics of localness. It signals a more substantive consultation to follow later in the year at which time localness 'proxies' such as automation, news sharing arrangements, location of studios and networking will be considered. **They will not form part of this interim consultation.**

S3 This document is being circulated to all local commercial station and to listener organisations. Comments are invited from any interested parties. The closing date for this consultation is 5pm Thursday 8 April 2004. Any comments should be sent in writing to:

Martin Campbell
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Ofcom
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2a Southwark Road
London SE1 9HA

Or by e-mail to martin.campbell@ofcom.org.uk

If possible please send your response as an e-mail attachment, as this helps to process the responses quickly. If you have any queries about the issues raised in this consultation, or need guidance on the appropriate form of response, please contact us using the details above. Also note that Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 2) which it seeks to follow. If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003. Alternatively you can contact Philip Rutnam, Partner, Competition and Strategic Resources, who is Ofcom's consultation champion, with any concerns or comments about consultation processes:

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S4 All comments will be treated as non-confidential and posted on Ofcom's website unless respondents identify that part or all of the response is confidential and should not be disclosed. Ofcom's consultation principles are set out in [Annex B](#).

S5 As soon as possible following the end of the five-week consultation period, Ofcom intends to publish an interim statement on localness in the light of representations received.

Section 1

Introduction

Background

1.1 Localness is an important issue for the industry, and the inclusion of it within the Communications Act 2003 was a controversial one. Ofcom's overall strategy for the development of radio will essentially encapsulate the Digital Radio Review as well as new substantive guidance on localness. Common to both exercises will be an analysis of the costs and benefits of radio regulation, which requires an understanding of what listeners value. One set of analysis and research will feed into both these major documents later this year.

1.2 The localness issue permeates all aspects of such a strategy, as it does the licensing strategy (consultation underway), both for the citizen/consumer, and the industry. There is, therefore, a need to put in place thorough research and detailed consultation on all these wider issues before drawing up substantive guidelines.

1.3 Until such substantive guidance is in place, Ofcom intends to regulate the localness aspects of Format compliance along the lines stated here. As with the legacy Codes, licensees must continue to operate Radio Authority rulings with regard to limitations on networking, syndication, automation and news sharing and continue to operate from within their MCA (unless operating with dispensation). These are the areas that will be specifically tackled within the more substantive consultation later this year.

Section 2

Why an interim consultation?

2.1 This interim consultation seeks to treat the localness issue in much the same way as the Codes issue. Ofcom has announced that the Radio Authority and ITC Codes will stay in place until Ofcom draws up its Code, but licensees will have a say in the process of change. Interim guidelines provide:

- A first opportunity to spell out Ofcom's intentions
- A first indication of feed-back to aid the overall radio strategy.
- A vehicle to bring both licensees and citizens/consumers into the full consultation.

2.2 These interim guidelines seek to concentrate on 'outputs' and what the listener experiences. The question of 'inputs' involving automation, networking, studio location, news sharing and the like will be dealt with in the more substantive consultation later in the year, and when licensee and listener views can be considered alongside extensive research. Radio Authority and Format requirements concerning automation, news hubs, networking and so on will therefore remain unchanged at least until the outcome of the fuller consultation.

2.3 Interim guidelines only last until around the time of the first licence awards later this year. At this point we should aim to have concluded the development of new substantive guidance and policy development. The interim guidelines would, therefore, affect primarily only those stations already on air who are already delivering localness where appropriate.

2.4 Ofcom, within this consultation, is publishing a number of guideline statement/pointers which in themselves should be non-controversial as they reflect a clear view of what is already expected from existing output.

2.5 The brevity of the statements and length of consultation (five weeks) is a clear indication of the wish for the interim guidelines to be concise, and this consultation is simply concerned with quickly establishing an interim framework, based on a broad definition of localness, in advance of a more substantive consultation later this year

2.6 This consultation involves a number of statements for consideration with regard to Ofcom's expectations and views of localness considerations that will constitute the base of any guidelines and Ofcom's present expectation from licensees. There is a recognition that localness is, ironically, most easily identified in its absence and, therefore, the statements present a number of ways in which stations can fulfil their localness remit by providing an acceptable level of such output.

Section 3

Consultation statements

Localness - what it is

Localness is not an issue for all stations, but where it is demanded within the Format it must be addressed directly as per these guidelines.

Localness can be both characterised and delivered in a number of ways (news, information, comment, outside broadcasts, whats-on, travel news, interviews, charity involvement, weather, local artists, local arts and culture, etc etc), therefore precise definitions can be unhelpful.

Content drawn from, and/or relevant to, the area is often the major point of difference between stations, and therefore licensees should be able to identify a range of local aspects of their stations and how they are providing output specific to their area.

The major outcome of localness delivery is the feel for an area a listener should get by tuning in to a particular station, coupled with confidence that matters of importance or interest to people in the area will be accessible on air.

Localness is likely to give consumers a feeling of ownership.

Localness is station programming of specific relevance which also offers a distinctive alternative to national or (other) regional services.

Localness - what it isn't

Localising news (eg vox popping in one area and playing it out as if from another, or inserting local place names into national stories) without local news/information generation cannot be regarded as counting towards localness.

Pure promotional off-air activity such as station promotion in the area (logo'd vehicles, roadshows etc) are not in themselves substitutes for localness without on-air activity involving something other than self-promotion.

Competitions/promotions that invite and involve listener participation from outside a station area would not be regarded as a contribution to localness.

The Communications Act 2003 [Section 314] stipulates that advertisements are not regarded as local programming within the context of localness and Ofcom's localness guidance).

Section 4

Summary of consultation questions

Question 1:

What comments do stakeholders have in relation to Ofcom's views on localness and its approach to localness which they indicate?

Question 2:

Do stakeholders/consumers agree that the statements, in themselves, offer ingredients that can be used in a number of different ways to create a reasonable level of localness?

Question 3:

Are there any other 'output' aspects of localness (ie that which is broadcast rather than the way in which it is delivered, such as through automation) which Ofcom should consider when viewing the whole localness issue?

Annex A

Communications Act 2003

314 Local content and character of local sound broadcasting services

(1) It shall be the duty of OFCOM to carry out their functions in relation to local sound broadcasting services in the manner that they consider is best calculated to secure-

(a) that programmes consisting of or including local material are included in such services but, in the case of each such service, only if and to the extent (if any) that OFCOM consider appropriate in that case; and

(b) that, where such programmes are included in such a service, what appears to OFCOM to be a suitable proportion of them consists of locally-made programmes.

(2) OFCOM must-

(a) draw up guidance as to how they consider the requirements of subsection (1)(a) and (b) should be satisfied; and

(b) have regard to that guidance in carrying out their functions in relation to local sound broadcasting services.

(3) The guidance may be different for different descriptions of services.

(4) OFCOM may revise the guidance from time to time.

(5) Before drawing up or revising the guidance, OFCOM must consult-

(a) such persons as appear to them to represent the interests of persons for whom local sound broadcasting services are or would be provided;

(b) persons holding licences to provide local sound broadcasting services or persons appearing to represent such persons, or both; and

(c) such other persons as they consider appropriate.

(6) OFCOM must publish the guidance and every revision of it in such manner as they consider appropriate.

(7) In this section-

" local material", in relation to a local sound broadcasting service, means material which is of particular interest-

(a) to persons living or working within the area or locality for which the service is provided;

(b) to persons living or working within a part of that area or locality; or

(c) to particular communities living or working within that area or locality or a part of it;

"locally-made", in relation to programmes included in a local sound broadcasting service, means made wholly or partly at premises in the area or locality for which that service is provided;

"material" includes news, information and other spoken material and music; and

"programme" does not include an advertisement.

(8) References in this section to persons living or working within an area or locality include references to persons undergoing education or training in that area or locality.

Annex B

Ofcom's consultation principles

How we will approach each formal consultation

There are seven principles which we will follow for each written consultation.

Before the consultation

1. Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

2. We will be clear about who we are consulting, why, on what questions and for how long.

3. We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

4. We will normally allow 10 weeks for responses.

5. There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

6. If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

7. We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website.

We would prefer people and organisations to give us views which they would be happy to see in public. But if those who have responded to a consultation tell us that some or all of their views must stay confidential, we will respect this.

We will also:

- list these seven principles in every consultation document that we publish;
- run a consultation helpdesk – to help organisations such as small businesses and consumer and community groups make their views heard in response to our consultations; and
- keep a table on our website at www.ofcom.org.uk listing all current consultations, those recently closed and (as far as possible) those we are planning in the near future. The table will include a brief summary of each document.