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Radio Regen's Response To The Community Radio Licensing Consultative Document

Radio Regen

Radio Regen is a unique community radio development charity based in Manchester. Its mission is to enable communities to use radio to combat disadvantage and in doing so has enabled about 5,000 people to get on the air since 1999. Radio Regen manages two of the 'Access Radio' pilot stations – ALLFM96.9 and WythenshaweFM97.2. In this role we have been very influential in the evolution of this new sector with some of our thinking being adopted directly by Anthony Everitt in his 'New Voices' reports. In February this year we hosted the first national conference – 'Community FM' - for those wishing to gain full time community radio licences. See www.communityfm.net for details.

Radio Regen is also one of the community radio practitioners consulted in the lead up to this document being published.

It is worth noting here that in its time from setting up to provide radio training in 1999, that Radio Regen has made a journey of discovery. We started as a 'radio' project but we are now a 'community' project, one that combats some of the worst deprivation in the country by the use of community radio. This means that the radio we produce is a means to an end and not an end in itself. The radio has to be good to have the desired effect but the process of production and the community impact of the output is as important, if not more so, than the programmes themselves. This journey is one that many future practitioners will make and one with clear implications for the work of Ofcom in the sector.

The comments below derive from nearly two years of running two full time community radio stations in two of the most deprived areas of the country and from having been on the inside track of the dialogue that has culminated in this document.

Introduction

We applaud the general tenor of the document. It is a tribute to the hard work that Soo Williams, Anthony Everitt, Tony Stoller and others at the Radio Authority/Ofcom have undertaken over the last two years to see community radio into being; in broad terms Ofcom have 'got the plot' of community radio. We also welcome the commitment to a

speedy introduction of full time licences and do not wish criticisms below to detract from this overall approval.

Radio Regen's main worry lies in the undue emphasis given to the fears of the commercial radio lobby, that community radio stations may damage some stations' viability. Not only is this issue unproven, it also defines community radio as a lesser animal, beholden to the supposed 'right' of commercial radio to maximise its profit. This in turn ignores the value of community radio to the country, not just as 'a good thing', but in its contribution to regeneration. Community radio has a real and substantial economic value.

Ofcom is clear that it is industry-led and that it should be a light-touch regulator. It is also clear that it will regulate where market forces would be inadequate. Radio Regen needs Ofcom to be a 'smart regulator' not a feather-weight one – if ever there was a case for bringing resources to the task, this is it. Not only is community radio a new sector, it is also a hybrid. Ofcom is a communications industry regulator and is therefore, naturally, not well versed in regeneration and voluntary/community sector policies and operations.

We would strongly recommend increased resources to be brought in at this vital development stage and some cross-departmental working to those involved in the non-radio elements of community radio. Another option would be to second staff from community radio to work with Ofcom to increase its expertise. The publication of all research by Ofcom will also be a vital resource to the sector.

Q 1 – What role should Ofcom have in respect of community radio beyond licensing new services?

Ofcom is not just a regulator. The Communications Act gives the body far wider power than just policing the industry because of clear duties in developing parts of it – e.g. in establishing standards for training/professional development (via Skillset) and promoting media literacy. It should therefore be happy to take a 'nurturing role' in community radio too. Community radio is both new and mixed economy – under both of these banners, Ofcom ought to intervene. When ILR started it was with a small handful of highly regulated stations that drew on existing radio expertise and had corporate resources to call upon for development. There will be dozens and soon hundreds of community radio stations, most of them staffed by people with little or no experience of either full time radio or community development. Both this document and Anthony Everitt make the case for a training resource for the sector.

Community radio is a non-profit enterprise that creates a public good. Furthermore, the vast majority of the licence holders will be living a hand-to-mouth existence with no resources other than the project grants they might receive and zero resources for generic development.

Skillset (T.E.S. 16/) is going to fund 'screen academies' for the development of the film industry so the precedent is there for government involvement in sectoral development. The benefits of a strong community radio sector to broadcasting as a whole are well documented too. The strength of the US broadcast media is often put at the door of the increased access to the airwaves enabled by their thriving community and college radio sectors. I have been told by a senior executive at Granada TV that she sees community radio as an extraordinary tool to increase the diversity of entrants into her industry.

So, we would also like to take this opportunity to state the case for OFCOM to invest in the development of skills provision for the development of community radio. Most practitioners in the sector are well versed in training in radio skills but there is no one offering accredited training in community radio management and development skills. Whilst the BBC has public money for this task in public service broadcasting, and commercial radio will be obliged by the Communications Act to raid its coffers for staff development, the nature and scale of community radio projects demand external funding for this task.

Q2 – Do you agree with our proposed policy for the allocation of spectrum and the size of coverage areas for community radio?

Yes and no, depending on the paragraph...

27 – It is fair to envisage some limit on RSL's as many RSL operators will hopefully become full time operators in the areas where new cr licences are given.

29 – This paragraph is a great disappointment – I had to read it twice to make sure I understood. It puts the 'right' to generate profit in commercial radio ahead of the need to develop 'the most important cultural development to take place in this country for many years'¹ and deliver tangible/material improvements in the lives of thousands of residents of disadvantaged communities. Either OFCOM is serious about community radio or it's playing around with 'useless' scraps of frequency that commercial radio can't turn a profit on. This way the third tier of radio is a third class citizen.

This is a real slap in the face for those of us who have toiled on the pilot projects to make the case for community radio. Not to redress this threatens to undermine the idea that the development of community radio is a substantial concern on Ofcom's agenda – not just one line in the Annual Plan (or was it two?)

Every new commercial licence isn't just one less community radio station but, because of their large footprint, many less. Here, the proposed Greater Manchester ILR station on 97.7 will block many 20W stations. Ofcom already acknowledges that the major conurbations will have the greatest frequency congestion so in Greater Manchester the situation is made worse. The major conurbations are also the areas where social disadvantage is at its worst (e.g. Benchill ward in Wythenshawe is officially the country's most disadvantaged²). The social gain from community radio will be greatest in areas like these and yet it's where community radio will be least available.

Also Ofcom has already announced the latest tranche of new commercial stations which makes a nonsense of even consulting on this issue. It appears that Ofcom has already decided – without consulting community radio.

Ofcom appear to be driven to serve the economic imperative and yet, in this action seem blind to the economic benefit that community radio's social gains deliver to the nation. Every unemployed person off the dole, every young person diverted from anti-social behaviour, every regeneration agency with better take-up of its services – all of these things have a tangible economic value and yet Ofcom prefers to flog off every last viable slither of a public good – the FM frequencies – to the commercial sector. Forever consigning community radio to the margins like this makes a nonsense of three years hard graft by the Radio Authority and the pilot stations.

¹ Prof Anthony Everitt, *New Voices*

² Index of Multiple Deprivation

The above considerations do not even take into account that community radio will be a significant media employer – if 200 licences are granted and each station has a minimum of three full time equivalent jobs you already have 600 jobs, without considering jobs in colleges and other agencies safeguarded through community radio.

30 - As the BBC only have the slimmest technical rationale to retain the spare capacity in their national sub-bands, they will be seen as a 'dog in the manger' unless they do the decent thing and release them. These frequencies were given to the BBC to deliver public service radio, so if they are given over to the control of Ofcom, it should be conditional on the frequencies being used for public service i.e. community radio. We would recommend this transfer being tied in some way to the Charter Renewal.

31 – We are happy with proposed 5 km radius because the greatest strength of community radio is in the neighbourhood, not the city or conurbation. A 5 km radius will give fair coverage for a major part of most towns. We would also prefer for OFCOM to err on the side of lower wattage if that means more stations can be rolled out overall.

We are also happy with the proposal for AM for a wider spread of geographical communities and communities of interest.

Other points: a lot of the frequency scarcity that will bedevil community radio is due to over-generous technical specifications inherited from the regulating of far more powerful transmitters. These specifications also were drawn up before modern receivers that are far more capable of locking into station signals. It would make sense to relax the tech specs that determine distance between same or similar frequency stations when those stations are under e.g. 30 watts. This should enable more licences to be offered.

Q3. *Do you agree that community radio should be an applicant-led process etc?*

Broadly, yes – It won't be ideal but we can't see that Ofcom has much choice...

37. We are not sure if this judgement is so much to do with community radio as with having to launch a whole sector in the glare of much political and media scrutiny. You only have a very few, and then only pretty arbitrary criteria for making any such a selection, so you couldn't win should you choose to employ them. One option for year 2 is to restrict applications to those stations that serve wards in the highest 10% of the IMD. This would however discriminate against rural areas which only rarely figure in the index in spite of pockets of considerable disadvantage right across the UK.

38. The equality of chance from the proposed idea might be out-weighed by the huge majority that will simply not be assessed in the early years, let alone the numbers who are assessed and fail.

Given the embryonic stage of the community radio sector and given the high expectation of many would-be licence holders, Ofcom will be accused of running a lottery – almost regardless of how well you actually choose. Therefore clear explanation of priorities employed and some form of feedback will be desirable. Feedback is obviously labour-intensive but crucial to the development of the sector. Ofcom should also consider resourcing an independent advice resource for would-be bidders e.g. a web site and email 'help-line'. Such an arms length operation may also assist Ofcom's impartiality.

Ofcom has to be clear to applicants how it intends to balance its laudable aim of inviting as broad a swathe of applications as possible, with the inescapable fact that the scarcity

of both frequencies and resources to handle masses of applications will mean many applicants will be disappointed.

39. It takes a lot of time and effort, let alone raised expectations, for small groups to complete a licence bid. If that bid is then to be immediately struck down by not being part of a priority grouping wouldn't it be more fair to state your priority groupings when you invite applications? You are doing this in year 1, and you will have a far better idea of the spread of applicants thereafter, this should not be unfeasible.

40. 12 weeks is a sufficient period for completing a licence application, especially as suggested you run a repeated annual system.

You do not suggest how long you might allow between the granting of a licence and the station having to go live. It would also be useful if you addressed how long you would allow for a test transmission. Given that the proposed five year licence is less than that offered to commercial radio it would only be fair to exclude test transmissions from the substantive licence period.

42 – re notes of guidance – please test these notes before issuing them.

44. comments made to DCMS on the Draft Order.

We welcome the Draft Order for community radio as laying the basis for a vibrant and very constructive new sector in UK radio. It furthers the work of Anthony Everitt and the Access Radio Pilot Scheme.

We lend our weight to the points raised by the CMA in their response to the Order and would add these points:

*Radio Regen's main worry lies in the **undue emphasis given to the fears of the commercial radio** lobby that community radio stations may damage some stations' viability. Not only is this issue unproven, it also defines community radio as a lesser animal, beholden to the supposed 'right' of commercial radio to maximise its profit. This in turn ignores the value of community radio to the country, not just as 'a good thing', but in its contribution to regeneration. Community radio has a real and substantial economic value.*

Every unemployed person off the dole, every young person diverted from anti-social behaviour, every regeneration agency with better take-up of its services – all of these things have a tangible economic value and yet the provisions for commercial radio to block our sector would have us sacrificed at the altar of profit. Forever consigning community radio to the margins like this makes a nonsense of three years hard graft by the Radio Authority and the pilot stations.

None of the commercial radio lobby's claims are borne out by evidence either from the UK or overseas.

The above considerations do not even take into account that community radio will be a significant media employer – if 200 licences are granted and each station has a minimum of three full time equivalent jobs you already have 600 jobs, without considering jobs in colleges and other agencies safeguarded through community radio.

*We support the CMA's proposed **re-definition of community radio** – it's both 'right and borne out by our experience.*

*We would however seek to **add another line**, 'to enable mainstream service and the voluntary/community sector to better deliver their services to residents of the stations area'. We have found that this is a significant part of our work with our stations and offers great value to our funders.*

45 – We are very glad to see a scoring system proposed and to have that system made public. You do however negate some of that benefit by not publishing scores and referring to 'other matters'. Please expand upon these 'matters' in your guidance notes for applicants - you can be clear even on matters where you are using discretion.

46 – these are in the main very reasonable and well thought out considerations.

We would seek to add a consideration of local ownership or where that is lacking, clear 'constitutional' structures that guarantee local accountability. The representation of the local community in the accountability structures should also be considered – i.e. whether the station responds to local agencies or individual listeners, with a balance being required, in our experience, in favour of 'non-aligned' residents. Otherwise there will be structural barriers to responding to community, as opposed to corporate/institutional needs.

We would also seek to add a consideration of track record of the bidding organisation. I am not referring necessarily to broadcasting experience although this should be part of the formula; the personnel (as opposed to the organisations involved) have to have a proven track record in volunteer support (especially pastoral) and community development. It has been our experience in nearly two years of running two full time stations that the balance of resources and expertise actually falls to non-radio, community-based tasks

In talking about 'access' provision, please also test the applicant's readiness to empower local groups to make radio. It would be easy for an applicant to claim community credentials by just reporting on community activities – the better applicant will be engaged in ensuring that local organisations can make that radio themselves. This has certainly been the case with our stations.

There are likely to be two categories of selection process – one where Ofcom is judging an applicant where there is no competition for a frequency ('are they able?') and an applicant where there is competition ('are they the best?'). I am worried that, in Ofcom's eagerness to get stations on air that un-ready applicants may be let through the net. Such applicants may simply be out of their depth and some will be 'faux community'³.

Whilst there has to be some element of risk and 'a licence to fail' in a new field, if many stations do not measure up, the whole sector will be open to ridicule and thus may find it difficult to raise funds in the future. Some considerable degree of rigour must be exercised to test paper claims and ask smart questions of likely license holders. If you are at all able, some form of feedback, at least high-lighting areas of general weakness in an application, would strengthen the sector greatly and decrease the feeling of the

³ It is already Radio Regen's experience that there is a new breed of consultant in the field, mainly from commercial radio backgrounds, promising community radio licences to various mainstream agencies. They may seek to take advantage of Ofcom's light regulation regime to circumvent the non-profit distributing axiom of the sector and simply profit by offering themselves excessive wages.

process being a lottery. If resources are not available to deliver this service then please make them available, or perhaps out-source them to an advisory service.

49 – The application form

4 – re experience – please ensure that the broadcasting experience is in non-profit or public service radio. Commercial radio experience may be relevant to the business side of community radio, and some technical and generic production skills but its values are so counter to those of community radio that a group with only commercial radio background will be unlikely to be able to create community radio. If you feel that is over-stating the case then make sure that a commercial radio track record at least alerts you to examining the community credentials of such credentials – after all some leopards can change their spots.

It has been our experience in running two very successful community radio stations that radio skills are only a small part of the job of creating successful community radio. Therefore, please also seek to test the experience of the applicant in supporting volunteers both in radio tasks but far more in pastoral needs. Our experience has found the radio side to be marginal in comparison to ensuring that we can support our volunteers in general 'life issues'. The applicant must also have experience in community development so that this vital aspect of the work of a community radio station is achievable

6 – The Board/Management Committee should balance good community representation with skills in volunteer support and community development. The candidate must, through their volunteer structure show a real understanding of the likely needs of their volunteers and how they might be supported. It would not be unreasonable to request volunteer policies as part of this requirement.

7 – If social gain is about reversing social ills then it would be reasonable to request of the applicant some details of the scale of social disadvantage that they seek to counter with their service; the greater the disadvantage, the greater the gain possible from the service. We propose that such a measure be used to choose between competing applicants or even to prioritise between which applications get processed. An established measure, such as the Index of Multiple Deprivation could be used as a benchmark.

8 – Track record from RSL's would be a good measure of this. When measuring support please judge supporting letters qualitatively – in our experience it is easy to rustle up generic letters of support but what counts (towards the quality of the project) is the understanding and commitment of resources from the partner organisations. This should be evidenced in the application. Be clear that you require evidence that supporters will actively participate, not just listen or send in press releases.

Delivery targets are also easy to put down on paper, they should be backed with a rationale either from the applicant's experience or from those of similar projects that are partnered with the station or similar to it.

9 – [comments as per 7] Do stress the commitment linked to stated targets. Again, it is easy to put down targets and there will be a tendency to inflate them in order to get a licence so be very clear that failure to hit key commitments may result in losing the licence. Applicants may feel that it's worth the risk inflating figures if Ofcom's policing resources for this licence regime are as slim as they seem.

10 – this rejection of a one-size-fits-all approach is to be welcomed. That said, given the scarcity of frequencies Ofcom will have to be happy that good value is offered in some form of social gain (see comments on ‘disadvantage below’]

11 – this is a good list although we support the revision offered by the CMA. The only obvious omission from our experience is ‘reversing negative media images’ of a community.

12 – as above, include rationale for the targets.

13- please ensure that the degree of access is made a key component of successful bids. There are indications that some would-be applicants wish to dominate their daytime schedules with professional/semi-professional presenters, at the expense of local disadvantaged people trained by the station. They might seek to claim community credibility by the provision of information about community activities and other ‘social action’ output, but they are not providing a platform for local residents.

Accountability should be made part of the structure of the station and a distinction should be made between the responsiveness to the needs of the volunteers (which we have found can be a tad introspective) and the wishes of the community at large. Again a distinction must be made between the community as represented by organisations and that represented by individual residents, where a good balance should be sought.

14 – Again, some reference to track record and rationale will be important here.

15 – This is generally a good section as long as it does not bar successful applicants from broadcasting any ‘populist’ programmes – please look at the station as a whole. Community stations should also be free to play some of the same bland pop as some commercial stations if the community wants it, so long as this is countered by other distinctive ‘community’ facets. Many community stations, such as ours, will take a ‘whole community approach’ which will inevitably include some of the ILR’s target audience. But, e.g. it would be absurd for us to be barred from playing specialist dance music programmes because we have Galaxy on the patch, or a soul show because of Smooth FM. Such shows are part of our mix and, because of our small reach, could never be construed as a threat to existing ILR services.

The line proposing to ask the applicant to assess in some way how it might impact on the viability of existing services is a tad absurd. The applicants will be, by and large, uninitiated in the finer points of commercial radio financing, and besides, the burden of proof in what is already a pretty fallacious logic (see below) has to come from commercial radio.

16 – this is another good section because it recognises the likely need to change the schedule, possibly quite a lot after going on air. It was our experience that some volunteers who ‘show keen’ when the station is about to go on air might not maintain their commitment two months in.

17 – a fair section because a full business plan/cash-flow projection may not be realistic for many applicants. Also, in our experience, interest in a station will change greatly for the better when a licence is granted and more opportunities may present themselves. It may also be reasonable to enquire how, if an

applicant seems over-reliant on advertising revenue, how they will square the need to maximise audience with the requirement to broadcast less 'populist' 'community' output. That said, a mixed economy model of grants and business revenue will offer greater stability.

18 – Please do not require a full transmission area survey as this is probably beyond the means of most applicants. It should be enough that the applicant has stood at the site and can see most of the proposed footprint area (and that not much of it is hidden behind hills). Applicants should also show awareness of planning regulations and that the site owner is similarly aware.

Q 4 – Do you agree with Ofcom's proposals to invite submissions from commercial stations etc...?

Radio Regen fundamentally disagrees with the concept of commercial radio having any say over the licensing of community radio. This presupposes a God-given right of such operators to maximise profit and that community radio has no value to the local economy. Both of these presumptions are manifestly wrong.

Radio Regen's main worry lies in the undue emphasis given to the fears of the commercial radio lobby, that community radio stations may damage some stations' viability. Not only is this issue unproven, it ignores the value of community radio to the country, not just as 'a good thing', but in its contribution to regeneration. Community radio has a real and substantial economic value. The ill effects of social disadvantage – in terms of low skills, unemployment, bad health, poor housing stock and crime – are massive in economic terms. Community radio stands ready (as our stations have shown) to counter these ill effects and so boost the economy. This combined with the considerable social and cultural impacts illustrated by Prof Anthony Everitt must mean that the sector's claim to parity (at least) with the profit-generating sector must be recognised.

The idea that it is unfair for possibly publicly funded radio stations to compete with commercial stations will not be recognised by EU state aid regulations because of the regenerative results and non-profit status of the community stations. By barring such competition, OFCOM would also be placing an unnecessary restraint on trade of those businesses (especially very small businesses and in those regeneration areas) who would otherwise wish to advertise with the station of their choice.

Given the apparent industry leaning of OFCOM (and the seeming exclusion of community radio from this grouping) this contradictory mess is likely to be enacted in some form, so we should also examine the proposals...

If Commercial radio is to still be given some say, then the definition of 'economic viability' must be examined. It should be defined as factors which would oblige the commercial station to go off air. Issues of margins of profitability and returns to shareholders must be ignored, and only where the station can objectively and comprehensively prove that it would go off air then some action may be considered.

Ofcom should also operate from the presumption that commercial stations will put in blocking submissions as a matter of course – and should be discouraged from doing so unless a manifestly good case can be made. Time wasters should be warned off.

Looking at section 52 – the buoyancy of the local economy should be ignored because the areas where many community radio stations will wish to operate will by definition have depressed local economies and this factor will affect the bidding station too. The

confusion of target audience (possibly relevant) and MCA is unwelcome. An overlap with an MCA will be irrelevant if different audiences are targeted or if the target audience is only one part of the community radio station's planned audience.

Let's be blunt – a good community radio station WILL get a good audience in their areas, and, in their areas, marginally diminish the audience of existing services but given the tiny MCA of the stations it is very unlikely to ever measure on RAJAR and thus affect advertising viability. We were told by an industry professional that RAJAR might only have one or two diaries in operation in any one of our station areas. Whether one or more stations are operating in a commercial stations MCA is also unlikely to alter this.

When Radio Regen presented to the DCMS NW regional road-show on the Communications Bill in 2000, community radio was welcomed by the chair of a major NW ILR station. When I put it to him that we might knock his results, he laughed and said it would be like a daily paper worrying about a weekly free-sheet. He went on to say that it would probably introduce new audiences to radio advertising with obvious benefits for him.

On the issue of commercial stations facing "unfair" competition from a subsidised competitor – there may indeed be some public funds supporting community radio stations but many local commercial stations are subsidised by their parent companies, thus distorting the local free-flow of competition. To put a struggling charity on a par with a commercial conglomerate would be absurd.

Regarding possible action should a commercial station 'prove' that it would not be economically viable, Radio Regen recommends a smart and individualised approach to remedy the specific ill, rather than bar the station completely. The station could be barred from under-cutting the rate card of the opposing station (proportionately to the relative MCAs⁴) rather than banning it from taking advertising. This would still enable local businesses to use the community radio station if it were more appropriate to their needs but this would be fair competition. If that was still unsatisfactory, a cap on the amount of advertising (commensurate to the supposed danger margin for the commercial station) on the community radio station should be suggested, rather than banning it completely.

Above all the burden of proof has to lie with the commercial station.

Q 5 – should there be a 50% limit on advertising?

If no harm can be proven by local commercial services there ought to be no upper limit on commercial revenue for community radio stations. It is highly unlikely, given existing research into overseas community radio stations, that many, if any UK community radio stations would ever hit the 50% mark, but the principle of not restraining the trade of local companies and not consigning community radio to the economic margins must mitigate against any form of quota. If a service proposes a large (e.g. over 50%) amount of spot advertising then Ofcom should maybe enquire if that will 'commercialise' the output and take it away from its community mission.

Also, when defining 'sale of advertising & sponsorship' please be smart in differentiating between a local organisation sponsoring output as part of its community outreach or CSR and one that is engaging in advertising. For example, should Wythenshawe FM be supported by a nearby airport, this will be from the airport's community resources, not its advertising and sponsorship budget, and so its engagement in community radio could

⁴ It would be unreasonable to require that ALLFM sticks to the Key103 rate card.

never divert resources from local commercial radio. So, if a quota were to be drawn up, be explicit that it refers to revenue secured from companies simply wishing to increase their sales and drawn from relevant budget lines.

There is another category of advertiser – the public service advertiser – who should not be in any way constrained from working with community radio. These are most often public agencies using purchased airtime to promote a specific message. Recent local examples include the police promoting a gun amnesty and the BBC wishing to increase its ethnic recruiting - both cases where the use of community radio has obvious advantages. Also, such agencies might not want to merely run spot ads – we would advise them to commission us to work with target audiences to make radio on the subject. This could be construed as sponsorship of a sort but it must be excluded from any restrictive quotas as it could not be construed as the sort of activity that would be undertaken by your average ILR station.

Q.6. Are you content with Ofcom's proposals for the submission of applications.

Radio Regen welcomes Ofcom's commitment to a clear and simple process. It must not however open the floodgates for wilfully inaccurate applications. There must therefore be ample opportunity and resources for Ofcom to test claims made by applicants, e.g. with audited accounts, the ability to question claims of support from key players. Without the opportunity to 'test', probably at a stage after the applicant has shown a base-line competency, Ofcom lays itself open to consultant-produced applications that know which 'buttons to push' when the foundation for a successful station have not actually been laid. Granted this need not be done face to face or by phone but it might take more than one letter.

We do not question that many applicants won't spring 'fully formed' into optimum operation and may require time to grow but this should not be an excuse for lack of rigour. Ofcom will not have many resources for policing community radio so a 'bad' station runs a fair chance of staying on air for a good while – both blocking other possible stations in its own and surrounding areas, and degrading the name of community radio. So, Ofcom may only have one chance of stopping such a station – at the application process.

We welcome the publishing of applications and consequent correspondence. Not only will this increase accountability and transparency but it will also be a resource to those future applicants seeking to best shape their projects.

The issue of charging will be a very sensitive one to the community radio sector as the vast majority of the groups involved are cash-strapped. Whilst we would recognise a need to maybe deter frivolous or vastly under-prepared applications, to over-charge for applications or licence fees would fly in the face of recognising the public good delivered by community radio. Furthermore, given the proposals to partly support the sector from public funds, to make more than a token charge for licences would be robbing Peter to pay Paul.

Q 7

We fully support the proposed priority for this year's applications, and the idea that pilot stations should be open to competition for the new licences. Our applications should stand by their merits and the vast effort that we have put into the pilot process will contribute to those merits. This order may be objected to by non-pilot projects but any other system would be unfair to current audiences.

We are concerned that you have not asked a question about the selection process itself. Community radio is a new sector of radio and whilst Ofcom has shown vast interest in the field, you can only lay claim to having one expert on the current team. Soo Williams is all our sector could ask from a regulator; incisive, objective and very aware of the potential and pitfalls for the sector. There is no-one else to match her expertise in the proposed process and to not add to that expertise within a team otherwise dominated by commercial industry experts would lay Ofcom open to a real risk of not seeing the full picture in applications. The solution may lie in either seconding experienced community radio practitioners to the team or giving the entire team a crash induction course.

The general lack of resources in Ofcom given over to community radio is a worry. With possibly hundreds of stations within only a few years and a very light reporting system, the potential for abuse is great. Many applicants will be bidding, perhaps out of enthusiasm for radio or maybe to cash in, without a full appreciation of the commitments required to make community radio. True, reporting should not be too onerous but resources for spot checks and station 'audits' by Ofcom must be laid down now, and publicised as part of the regulatory framework. To do otherwise would make a very fragile foundation of this new sector. Community radio licences are valuable – valuable to the communities lucky enough to have them and any abuse of that privilege must be countered.

Q8 – other criteria

As mentioned above there are likely to be two categories of selection, for areas with only one bid and for competed for areas, my comments below would refer to both because of the scarcity of licences and therefore the likelihood that decisions in one area will have ramifications way beyond its own MCA.

Re Disadvantage: community radio licences are a scarce public resource and should therefore be targeted on areas of greatest need. If there were no 'disadvantage' criteria, a well prepared/resourced bid from a prosperous community would effectively block a lesser bid in any neighbouring area over a wide radius. For example Wythenshawe FM, had it not been on the air already, could have its bid overwhelmed by the council backed bid from prosperous Stockport or the very well-heeled Altrincham. As it is, as mentioned above, Wythenshawe contains Benchill ward which is officially the most disadvantaged ward in the country.

We recommend that every bid has to demonstrate the degree of disadvantage in its area that it aims to tackle and that the relative 'wealth' of an area should mitigate against it. That is not to say that all stations have to tackle the same disadvantage – e.g. should a prosperous area have to prove a real problem with mental health and seek to focus its activities to counter that, then a case on tackling disadvantage could be made.

Then there is the question of what measure of disadvantage to use. The Index of Multiple Disadvantage (IMD) is the current standard and most funders use the 10% highest wards as a measure. But it has its faults; prime amongst them is the fact that it a) won't often show up rural disadvantage and b) won't show pockets of disadvantage if they are small or straddle ward boundaries. For example, Chorlton ward in Manchester is prosperous but the Nell Lane estate within it is very disadvantaged. Chorlton is not in the highest 10% of the IMD. The Office of the Deputy Prime Minister is working on this issue and has just published an online tool to assist the measuring of disadvantage in the country.

We recommend that a high ranking in the IMD should assist any bid and if the station is not based in such a ward that the bidder should evidence the case for pockets of disadvantage where their activities should be focussed.

Re Communities of interest. In an ideal world, every community, whether geographical or 'of interest' should have a community radio station. There is a very strong argument for broadcasting, for and by Britain's rich mix of diverse culture and this argument should be employed to vigorously argue for more stations.

The argument in our experience comes down to one of scarcity. Does Ofcom allow a voice for one community of interest or many, in any licence area? Good luck to you if you can untie the knot of which diverse community has been more excluded from mainstream society than any other but if you are faced with a bid that offers some airtime for all, or all the airtime for one group, surely the answer is to offer something to all. This is not ideal, and there are real issues to be surmounted in levering many cultures and interests into one station. But we have shown it can be done.

In ALLFM's MCA there are over 60 languages spoken with large communities from Pakistan and many parts of Africa and the Caribbean. There are over a hundred volunteers active on a regular basis at the station and nearly 70% hail from a black or minority ethnic background. Also, no single community predominates in this grouping, we are a family of many flags and proud of it. Some critics of our approach say this simply dilutes the output beyond the point of usefulness. Our audience tells us otherwise and I believe that Ofcom's current research into the station will show this too. The station's diversity is its great selling point and the listeners, funders and volunteers wouldn't have it any other way. The experience of other multi-cultural pilot stations, such as BCB in Bradford and Sound Radio in Hackney will support this view.

Q 9 – *key commitments*

In general we like this approach, which tries to strike a balance between the scarce resources of any station and the real rigour needed by a regulator. Have no doubt that some projects will be tempted to tick the boxes and rely on your lack of resources to get away with it. Again, a system of random checks and a lack of fear to penalise transgressing stations will help us all. That said, should a station be falling back on some of its targets it should be encouraged to be open about this and work with you to identify other areas where it is doing better than predicted. Some leeway should be given in cases such as these. In our experience of running two pilot stations we have found that such openness has been respected by Ofcom.

Access should be a major commitment for any station but it is very hard to nail down and very easy to challenge. Any group with a grudge against the station could use 'lack of access' as a stick to beat the station with, even if its requests have been unreasonable. Ofcom needs to strike a reasonable balance and action should only be taken based on a consistent pattern of unreasonable blocking of access.

Evaluation: As with the report, the station should be allowed to incorporate existing funders' evaluation systems to fulfil this requirement.

Finance: we strongly recommend audited accounts to be part of this requirement. There is a cost to this but to not do so would lay Ofcom open to all sorts of abuse.

These commitments should also include local responsiveness structures/commitments, so that the public know what systems are in place to have their views taken in to account.

Q10 *Annual report*

As above we applaud the tenor of this section which seeks to strike a difficult balance between respecting likely resources of stations and the rigour required from a regulator. We believe that a system of spot checks should also be employed to examine the claims made on paper.

One good check on the non-profit distributing nature of the station would be to look at the wages and pattern of payments. It would be easy for a 'faux community' station to hide bonuses/dividends in irregular wages and casual wages.

In terms of what questions should be asked in evaluating the sector we believe that Anthony Everitt got it right. If his approach were twinned with good qualitative research of listeners and partner agencies you would have a good start. The work that Professor Bev Skeggs (Manchester University Sociology Dept) is doing with us also lays a good foundation for future research.

Many people ask us about audience figures, which we don't have. I tend to reply that the stations 'work' for everyone involved. The listeners like us, the volunteers enjoy themselves and get good skills and participating bodies find that we make their jobs easier. That's enough for us.

Q11 *other methods*

See above

We like Anthony Everitt's suggestion of the use of public meetings. Whilst this might be seen as giving a station a stick to beat itself with, a station that is doing its job should be able to face down the most determined (unreasonable) critic. At the Community FM conference, we were told of Bush Radio's (Cape Town) method of monthly listener forums, where Zane Ibrahim (Director) cheerfully said that they often got mauled but it gave them a connection with the community that would be hard to beat.

Conclusion

Ofcom have done a really good job with this document and it would be tragic if its faults overwhelm the positive framework it offers.

There are two main problems –

- 1) that insufficient resources will be given to the 'smart' regulating of this sector and that insufficiently rigorous selection and regulation will let stations on air that have little or no commitment to the real aims of the sector. Weak and profiteering stations will terminally damage the sector as a whole.
- 2) By giving credence to commercial radio's unproven and frankly unlikely claims of community radio being a threat there lies a massive risk. As it stands, community radio could be crippled by malicious claims from ILR stations and the sector, 'the most important cultural development of recent years' could be sacrificed on the altar of commercialism.

Thank you for the good work so far but please listen to what we have to say – we know what we're talking about because we've made community radio really work.

Best wishes,

Phil Korbel
Director

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