



community media association

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Dear Neil

The Future Licensing of FM Commercial Radio

Thank you for sending the above consultation document for the comments of the Community Media Association. We confine our comments to the licensing strategy and specifically question 1 concerning Ofcom's broad objectives for the radio sector and question 2 on spectrum allocation in so far as this impacts on community radio.

Broad objectives for the radio sector

In response to question 1 we urge that Ofcom avoid the hybrid term "citizens-consumers". It is important to distinguish social impact from commercial success. The latter can be measured in terms of audience share and advertising as suggested in paragraph 20 but this is only part of the picture. Ofcom must take a systematic approach in radio and in other media to also foster social objectives and to further the interests of citizens. This requires a careful balance which is best assisted by clarity in the use of terminology together with distinct objectives and measures of success.

Spectrum for community radio

In response to question 2 we note that Paragraphs 16 and 28 and the Summary at Section 2 all state that community radio should generally use frequencies that are not available for commercial services. We do not agree with this proposition.

We can not find any basis in the Communications Act 2003 which justifies discriminating against community radio in this way. The principle duties of Ofcom in subsection 3.1 of the Act and the specific duties in subsection 3.2 (especially paragraphs (a), (c), and (d)) all point towards a more equitable treatment of community radio. The statements in paragraphs 16 and 28 of the consultation paper appear to be based on the previous regulatory environment and are not consistent with the Communications Act from which Ofcom draws its mandate.

In our view spectrum planning should not only give equitable treatment to community radio but it should also recognise that, in comparison with other European countries, community radio has been held back in the UK and is relatively underdeveloped.

We urge that this position on spectrum be revisited and that a higher priority be given to community radio development. The social gains and benefits of community radio, well documented in the independent evaluation report "New Voices", should not be treated as an optional addition limited to areas where commercial radio is not viable.

Community radio represents a fundamentally different broadcasting model which will add to the range of services available and contribute to the interests of citizens.

Paragraph 28 proposes a very limited approach to community radio development which would prioritise new commercial radio services over community radio in many localities. We propose instead that Ofcom should give priority to community radio as the new service to be developed. Where spectrum availability allows, there would remain scope for tandem development of new commercial services but the medium term strategy should be to develop a balance of commercial and community services.

FM spectrum review

In analysing FM frequency availability Ofcom should review the FM spectrum as a whole including the possibility of gaining new spectrum through replanning of existing non-BBC bands and through re-assignment of spectrum within the BBC bands.

Restricted Service Licences

We support continued use of spectrum for restricted service licences and agree with the policy of setting aside the FM sub-band 87.6 - 88.0 Mhz as a core resource for this purpose. We believe RSLs meet a continuing demand for events-based broadcasting and for trial services by both community and commercial broadcasters.

We hope these points will be taken on board and in particular that Ofcom will revisit the legal basis for proposing prioritisation of commercial radio over community radio.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Buckley', with a stylized flourish at the end.

Steve Buckley
Director, CMA