

Peter Davies
Head of Market Intelligence
Ofcom
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Dear Mr Davies

RADIO - PREPARING FOR THE FUTURE

I am writing to you in response to the above consultation document, regarding the future framework for the development of radio in the UK.

Equity is the trade union representing over 37,000 performers and creative personnel throughout the audiovisual and live entertainment sectors. This includes BBC and commercial radio. We welcome this opportunity to contribute to the review of the radio sector and commend Ofcom on the detailed and thorough investigation of the current state of the radio industry. Moreover, we would broadly accept the immediate priorities for this review being the development of digital radio and the importance of local production and local material in commercial radio.

This letter is provided by way of response to this consultation, but will only address issues relevant to our interest and experience rather than the individual questions outlined in Section 2.7.

LOCAL MATERIAL ON LOCAL COMMERCIAL RADIO

Equity's starting point in respect of the provision and broadcast of local material on commercial radio – and the future development of commercial radio as a whole – is that there is a need for greater diversity of programming than provided currently.

The use of formats and the format description contained in each licence, as required of Ofcom under section 106(1) of the Broadcasting Act 1990 is a particularly helpful element, which must be enforced rigorously now and in the future to promote this diversity and retain the identity of stations in the manner in which they are established. However, we are concerned about the uneven enforcement of the formats as specified in the original licence applications and would not wish to see commercial channels being established as offering a particular service, only to change this without reference to Ofcom (sometimes referred to as “format creep”).

We also believe that Ofcom's regulation of formats and its programme codes offer essential and effective mechanisms to maintain local output. However we are concerned at the extent to which Ofcom's proposals seek to reduce the positive influence of using a range of inputs into programme making (particularly studio location, networking of programme, and automation).

We believe that local commercial radio has a key role in the creating opportunities and providing exposure for local talent and other forms of entertainment that may also include a regional dimension. For this reason we believe that studio location remains an extremely important factor and would urge caution before diluting the requirements in this regard. Furthermore, Ofcom would be well-advised to take note of its own research which shows that "a substantial majority, 71%, said that it (studio location) was either important or very important" (page 75).

In addition, while we welcome Ofcom's objective "to ensure the provision of locally-made programming and local material on radio stations" we fail to see how the proposal to allow stations to "network as they wish" will assist in achieving this objective (page 13). This measure along with the proposal to "consider removing all specific limits on the use of automation" is more likely to undermine the link between local radio and the type of local talent and entertainment that may otherwise be broadcast. The experience in the US of diminishing range in programme provision bears this out.

In the past commercial radio stations have made numerous assurances regarding the provision of a wider variety of output, including opportunities to broadcast drama and live music. However the outcome to date has been disappointing and a shift away from the regulation of input is only likely to facilitate an even narrower range of programme output. Ofcom should therefore act with caution before relaxing the current rules on input.

Equity believes that Ofcom's role should be to provide an appropriate balance to the commercial concentration of radio ownership and operations in order to maximise the local character.

THE DEVELOPMENT OF DIGITAL RADIO

The focus of our knowledge and interest relates primarily to matters regarding the involvement of performers and presenters in radio programming. Therefore, we do not intend to address the specific technical aspects outlined in relation to spectrum availability and usage or DAB digital radio multiplexes

However, we do feel that in the excitement about the increasing popularity of digital radio (and the growth in UK penetration of DAB digital radio's to around 1.2 million), that the question of content has been somewhat neglected. We believe that the proliferation of channels in digital radio market currently offers a unique opportunity for many stations to operate without the same pressure to secure high ratings. As a result this digital radio stations should have the ability to experiment more than terrestrial channels. The BBC has had some success in doing this by exploring specific genres and offering original output

via its range of digital stations. The commercial sector should also be encouraged to take the current opportunity to offer a platform for more original talent in this new and exciting environment.

There is one other issue of concern in this area upon which we would also like to comment. That is the issue of a proposed analogue switch-off in radio and particularly to support Ofcom's view that it sees "no case for digital switch-over at the moment" and that "in the medium term, at least, we see analogue broadcasting continuing alongside digital radio broadcasting" (page 148). Given the cost to consumers, the difficulties faced by smaller stations and the lack of alternative uses, we do not believe that there is currently any direct parallel with television in respect of switchover.

OVERALL STRATEGIC FRAMEWORK FOR RADIO

We accept the case for a proposed strategic framework for the future regulation of radio. However, we object to the market driven bias inherent in the third proposed aim "to do this with a little intervention in the market as possible, consistent with meeting our objectives". We would prefer to see wording that emphasised the need for a robust regulatory framework, capable of making necessary interventions to meet public objectives and address the short-comings of a completely free market.

We also note that one proposed method of delivering on these public purposes is to make the BBC's radio archive available more widely. While we would not oppose this development in principle, Ofcom must be aware of the issues relating to performers rights and remuneration relating to future use. It should also be noted that this archive is a resource that is used widely across the BBC's own network of digital radio and other channels (e.g. BBC 7).

Moreover, if there had been a more concerted attempt to create and enforce public objectives in respect of commercial radio since the first such channels were launched in 1973, then it may be that it would also possess a valuable archive which could be used in this way. This is a fact worth considering in the context of the ongoing "light-touch" regime.

We hope that you are able to take these views into account when developing the proposals as part of Phase 2 of this review. We are of course happy for our response to be made public. If you require any further information on this matter please contact Matt Payton, Equity Research and Parliamentary Officer on 020 76700260 or mpayton@equity.org.uk.

Yours sincerely

Ian McGarry
General Secretary