

Radio – Preparing for the Future. Phase 1 Consultation document; developing a new framework

Response from Ofcom's Advisory Committee for Scotland

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## **INTRODUCTION**

The Advisory Committee for Scotland broadly welcomes the radio review and the need to engage in a public debate on some important issues such as digital radio development and the matter of 'localness'. In the Scottish context, it is hard to underestimate the importance of the commercial radio sector to the 'public good' since the first non BBC station (Radio Clyde) went on the air in 1974. Scotland badly needed a fresh voice and the community has listened in record numbers ever since. It is noteworthy that the sector has been remarkably successful at both ends of the scale – from the highly respected SRH group at one end, to the smallest independent licensees, supported by the community and providing popular and vital local services at the other.

It is worth pointing out that in Scotland (and in the other Nations) the BBC does not operate a local radio service as such. Radio Scotland and Radio nan Gaidheal are primarily national stations with some local news opt-outs at limited times. The committee feels that the BBC in Scotland has to some degree sacrificed the celebration of local cultural differences.

Therefore the provision of the commercial alternative (especially at the local level) makes a big contribution to the social and commercial infrastructure of the country - the 'public good' - regulation needs to recognise this.

The Committee would advocate that any research conducted by Ofcom as part of the Radio Review should be sufficiently sensitive to the views of audiences across Scotland. Radio is a more personal and interactive medium than other forms of communication and plays an important part in adding to the sense of nationhood and, at a more local level, community engagement and cohesion.

## **INTERVENTION**

We support the hypothesis that there are still grounds for intervention in the radio sector, albeit whilst continually seeking to minimise unnecessary and intrusive regulation. In Scotland we have been fortunate to have a radio sector which is largely locally controlled and clearly operated with a sense of the community it serves. However, ownership and control can (and will) change, bringing with it different commercial and social priorities. The evidence that without regulation or other influences (such as local autonomy of control)

services will tend to 'cluster' round the middle ground seems irrefutable. Ofcom will therefore need to retain sufficient regulatory powers to enable it to intervene. The danger might be to give away rights at a time when such controls appear superfluous, only to regret it later.

The suggestion of developing a set of '**public purposes**' specifically for radio is to be welcomed, though it will be a challenging (but worthwhile) debate to define them! We are particularly interested in exploring whether some aspect of nationhood and locality can be incorporated. As well as those mentioned in the report consideration should be given to the importance of local 'interactive' and discussion programming, consumer matters, awareness of ethnic issues etc – all of them important elements in an informed democratic community. Local commercial stations in Scotland have shown themselves adept at covering such issues in an entertaining and populist way in the past.

### **FORMATS AND LOCALNESS**

The review points out that DAB digital radio is less heavily regulated than analogue at present. This poses an interesting issue for the future – as digital becomes increasingly the mainstream listening medium, why should it be regulated any differently from analogue? There will be increasing pressure on the regulator to adjust the level of regulation between the platforms – reducing those on analogue to match the digital world.

We support the suggestion that this should be resisted – but wonder if in future the regulation of digital licenses might have to be adjusted to reflect the analogue?

Formats should provide the basis of regulation for the foreseeable future. However, the review raises some difficult issues such as the issue of localness. While we agree that wherever possible, 'outputs' rather than 'inputs' should be the regulatory tool, there are some areas where judgements on outputs are inevitably subjective, whereas inputs provide a proxy that is easier to measure.

- **Studio Location**

It seems entirely pragmatic to relax the letter of regulation so that studios can be located within the area that listeners regard as the local area – rather than those dictated by engineer's measurements. However – it is clear from Ofcom's research that listeners DO have concerns about where 'their' station is based and regulation will need to reflect this.

- **Networking**

In principle it seems sensible to relax the rules on networking. If the localness and format stipulations are maintained, networking in itself should not be a problem. Some significant concerns remain however. For example - networked stations have been shown in some cases to be slow to respond to fast onset emergencies or news events affecting only part of their area. Reassurances will be needed that if networking is widely used there is a robust mechanism for responding to such events – these are the very occasions when the 'public purpose' of local radio is clear. There are also concerns that

if automation and studio location restrictions are relaxed, a situation might theoretically arise where a 'local' service is actually a combination of networked programming from outside the area with local inserts, programmed automatically and produced in a studio outside the heartland of the transmission area.

- **Automation**

The Advisory Committee for Scotland recognises that automation, done well, can optimise limited resources very effectively on a small station. The problem is that regulation has to be rather more concerned with those that may *not* do it well. If there were a clear and unambiguous way of assessing the *quality* of such output it might be reasonable to substitute a quality criterion, but defining high quality is bound to lead to dispute. We are therefore not in favour of wholesale relaxation of regulation on this issue and suggest that this is an area where some 'input' regulation may still be necessary. The suggestion in the review that 'if it proved detrimental to overall quality of radio services, then we may reconsider reintroducing specific limits' is, we suggest, an unrealistic safeguard – reintroduction of regulation is notoriously difficult.

- **Local News**

It is unsurprising that Ofcom research showed that listeners felt it was important that reporters should be based in the area they are covering. Scottish listeners are probably even more sensitive to this issue – resenting the mispronunciation of names, lack of familiarity with distances, irrelevance of programming related to English school holidays and the like. We therefore strongly support the suggestion of requiring stations with a format including local news to 'provide direct and accountable editorial responsibility, based within the license area ...' We can see no better way without undue monitoring and qualitative judgements to regulate this area.

- **Compliance**

The Advisory Committee for Scotland supports the proposal that in addition to responding to complaints, Ofcom is proposing to carry out spot checks and will require licensees to maintain a format and localness file. We would suggest that as well as being on the stations website the file is made available via Ofcom's own website – perhaps via a link.

## **DIGITAL RADIO**

The Advisory Committee for Scotland is broadly supportive of the proposals for the further development of digital radio – but are particularly aware that digital radio is unlikely to be available to many rural parts of Scotland for some time to come – if at all. In this context the suggestion that there is no case for a switch-off for analogue is reassuring. Clearly some innovative approaches will be needed to bring digital to remote and rural areas – perhaps involving the BBC. Government agencies may have to play their part in supporting the

provision of digital radio too – as with broadband. There is a concern that as DAB is given a higher profile and is marketed as the quality service, FM will be seen as the poor relation and be left in the same position as medium wave is now with declining audiences which would affect some smaller stations in Scotland.

We would be interested to see further exploration of the DRM technology, which may well suit large rural areas.

We support the allocation of three of the available frequency blocks to provide local multiplexes but feel it may be too soon to determine whether the remaining block(s) should be allocated via the WT act. This could mean the frequencies available are not used for radio and, once released cannot be retrieved.

### **FUTURE LICENSING**

Community Radio services have already (under the existing regulations) been a huge success in parts of Scotland. We therefore welcome the further opportunities offered. There may well be a case for new MW services in Scotland (specialist services such as stations for ethnic minority groups, for visually impaired people, large rural areas, etc). They should be slotted into the advertisement timetable alongside the current FM proposals – even if this means a delay to the advertisement of some of the FM license areas.

It is particularly important to Scotland therefore that the sector is not undermined and that its importance to the social and commercial infrastructure of the country is recognised.