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## **Localness on commercial radio**

Proposals to amend guidelines

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**CONSULTATION:**

Publication Date: 22 June 2018

Closing Date for Responses: 3 August 2018

# About this document

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This document seeks views on some proposed changes to Ofcom's localness guidelines for local commercial radio stations.

The current guidelines were last substantially revised in 2010, and in light of the ongoing pace of change in the media sector, we have reviewed the current guidelines. This has included some new consumer research.

We are proposing amendments to the following aspects of the localness guidelines:

- the 'approved areas' within which programmes are considered to be locally-made;
- the minimum number of locally-made hours each station should provide, and when these programmes should be scheduled.

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# 1. Executive Summary

- 1.1 This document seeks views on proposed changes to Ofcom’s localness guidelines for local commercial radio stations.
- 1.2 Legislation requires Ofcom to secure that local analogue (i.e. FM and AM) commercial radio stations provide an appropriate amount of:
- programmes including local material; and
  - locally-made programmes
- The law also requires us to provide guidelines as to how local commercial radio licensees should meet these statutory requirements.
- 1.3 Each station’s licence includes a description of the service which it must provide. This is called a Format. The Format captures specific requirements such as the type of music the station must play, and how much locally-made programming it must provide.
- 1.4 The purpose of the localness guidelines is to provide a framework which expands upon and in some cases provides more detailed explanation of the specific requirements which are included in each station’s Format. The guidelines also outline what Ofcom could consider if it is necessary to investigate whether a station is meeting its localness-related licence obligations.
- 1.5 In a number of areas, the localness guidelines set out Ofcom’s minimum expectations in terms of the volume and nature of local output which local stations should provide, but stations are free to go above and beyond these.
- 1.6 We can also, and have, set different expectations for different local stations. In other words, these are not blanket rules that apply to each and every local station.
- 1.7 The current guidelines were last substantially revised in 2010. In light of the ongoing pace of change in the media sector, we have undertaken a further review, informed by new audience research. We have also taken into account the Government’s recent policy statement on this issue<sup>1</sup>.
- 1.8 Having considered all available evidence, we are proposing to allow local commercial radio stations greater flexibility in how and where they produce their programmes, while ensuring that listeners’ expectations for high quality local news and other content continue to be met.
- 1.9 The proposed changes to our localness guidelines include the following new minimum expectations:

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668926/Commercial\\_radio\\_deregulation\\_Government\\_response\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668926/Commercial_radio_deregulation_Government_response_final.pdf)

- Local FM stations that provide local news at regular intervals throughout the day should air **at least three hours of programming each weekday between 6am and 7pm** which has been made in the local (or approved) area.
- Local FM stations that provide local news only at breakfast and drivetime should air **at least six hours of programming each weekday between 6am and 7pm** which has been made in the local (or approved) area.

- 1.10 As part of our proposals, we also intend to make the ‘approved areas’, within which a programme can be considered to be ‘locally-made’, bigger to match, as closely as possible, the ITV regions. We consider this would give licensees greater freedom to determine where to locate their studios and make their content. This flexibility would enable radio groups that own multiple licences in the same region to put more resources into programme making and less into the “bricks and mortar” costs of maintaining separate local studios.
- 1.11 Importantly, although these proposed amendments provide stations with the flexibility to provide less locally-made programming than under our current guidelines, we are not making any changes to our expectations regarding the types of local material that a local station should provide. This means that listeners should still expect a locally-relevant service, irrespective of whether programmes are broadcast from a studio in their particular local area, or not.
- 1.12 If we decide to go ahead with these proposals, the localness guidelines will be amended accordingly, and stations will then be able to apply to have their Formats changed to reflect the new guidelines should they so wish.

## 2. Background

### Statutory requirements

2.1 The Broadcasting Act 1990 places a general duty on Ofcom regarding local analogue (FM and AM) commercial radio, and a specific duty regarding each local service that we license. The general duty is that we must do all we can to secure the provision of a range and diversity of local services<sup>2</sup>. The specific duty is that when we run a competitive licence award process and select the winner, the licence we issue for the winner must contain appropriate conditions to secure that the character of the service, as proposed by the licence holder when making his application, is maintained during the licence period<sup>3</sup>. There are also statutory provisions under which changes to the character of service during the licence period can be made if certain conditions are met. Each station's character of service is captured in a part of the licence called the Format.

2.2 In addition to these duties, Ofcom is also required by law<sup>4</sup> to secure that local analogue commercial radio stations provide:

- programmes consisting of or including local material; and
- locally-made programmes

to the extent (if any) that Ofcom considers appropriate, and to provide guidance as to how these statutory requirements should be met.

2.3 'Local material' is defined in the legislation as material which is of particular interest to those living or working within (or within part of) the area or locality for which [a given local radio service] is provided, or to particular communities living or working within that area or locality (or part of it). 'Material' is further defined as including news, information and other spoken material and music.

2.4 'Locally-made programmes' are defined in the legislation as programmes which are "made wholly or partly at premises in the area or locality for which that service is provided or, if there is an approved area for the programmes, that area." We discuss approved areas in Section 4 of this consultation document.

2.5 For the purposes of better understanding the proposals we are making in this consultation document, it is important to understand the distinction between these two elements of 'localness' as it relates to the regulation of commercial radio.

2.6 Under the statutory scheme, local material does not necessarily have to be locally-made; stations have been able to utilise news hubs – where local news is gathered in a central location for broadcast to individual stations – for many years, and travel information or

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<sup>2</sup> Section 85(2)(b), Broadcasting Act 1990

<sup>3</sup> Section 106(1), Broadcasting Act 1990

<sup>4</sup> Section 314, Communications Act 2003

weather forecasts for any part of the UK can be produced in a central location and tailored for each area.

- 2.7 Similarly, we also recognise that requiring stations to provide locally-made programming does not necessarily guarantee the provision of local material. In other words, it would be possible for a presenter on a local radio station to broadcast a four-hour programme from a studio in the area to which the station broadcasts without providing any local material at all.
- 2.8 However, when we last considered how we should best carry out our duties to regulate for 'localness' in the interests of listeners, the evidence before us suggested that locally-based presenters helped to enhance the sense of belonging and identity that local radio stations can provide, thus strengthening the degree of 'localness' the regulation is intended to achieve.

## Current regulatory approach

- 2.9 As noted above, each local analogue commercial radio service has as part of its licence a Format. Overleaf is an example of a Format, in this case the local FM commercial radio licence for Portsmouth held by Celador Radio for its service 'The Breeze':

Figure 1: Example Format

## THE BREEZE (Portsmouth)

<b>Licence number</b>	AL100764
<b>Licensed area</b>	Portsmouth area
<b>MCA population</b>	300,485
<b>Frequency</b>	107.4 MHz

### Character of Service

<b>A LOCALLY-ORIENTED, BROAD MUSIC AND INFORMATION STATION FOR THE PORTSMOUTH AREA WITH A COMMITMENT TO LOCAL SPORT AND A STRONG COMMITMENT TO LOCAL NEWS.</b>	
<b>Service duration</b>	24 hours
<b>Locally-made programming</b>	<b>Studio location:</b> Locally-made programming must be produced within the licensed areas of Portsmouth (AL100764), Southampton (AL239) or Winchester (AL241).
	<b>Locally-made hours:</b> At least 7 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.
	<b>Programme sharing:</b> All programmes (except local news bulletins) may be shared between the Portsmouth licence (AL100764), the Southampton licence (AL239) and the Winchester licence (AL241), subject to satisfying the character of service requirements above.
<b>Local news</b>	At least hourly during weekday daytimes and weekend peak-time. At other times UK-wide, nations and international news should feature.

### Definitions

Speech	Excludes advertising, programme/promotional trails & sponsor credits
Peak-time	Weekday breakfast and drive-time, and weekend late breakfast
Daytime	06.00 to 19.00 weekdays and weekends



- 2.10 As can be seen, in terms of the specific ‘localness’ requirements set out in section 314 of the Communications Act 2003, the Format specifies the amount of locally-made programming the station must provide, the location(s) from where that locally-made programming can be originated, and whether the station is permitted to share its locally-made programming with any other local stations.
- 2.11 In terms of local material, the Format sets out specific requirements in relation to the provision of local news (and these relate only to the frequency, not to the duration, of local news bulletins), but there are no other specific requirements in licences relating to local material.
- 2.12 However, this particular Format also requires the service to be locally-oriented – this is specified in the ‘character of service’. We consider that this should be interpreted as meaning that the station should provide a range of local material, as well as the local news requirements specified in the Format.
- 2.13 In our localness guidelines we set out our view on what types of content might constitute local material (e.g. local information, phone-ins etc.). We also advise that stations should include local material across the minimum number of hours of locally-made programmes they are required to provide, although local material need not be included in each of those individual hours if this is not appropriate.
- 2.14 The localness guidelines also include guidance on the production and provision of local news, as well as Ofcom’s minimum expectations regarding the volume of locally-made programmes that various types of service should provide, and policies relating to the co-location of stations and the sharing of locally-made programmes between local stations.
- 2.15 The guidelines which currently apply are as follows:
- On weekdays, FM local stations should provide either:
    - a minimum of 10 hours of locally-made programming between 6am and 7pm (and this must include the breakfast show) if they are providing local news at least hourly at peak-times (breakfast and afternoon drivetime),  
or;
    - a minimum of 7 hours of locally-made programming between 6am and 7pm (and this must include the breakfast show) if they are providing local news at least hourly throughout the same period.
  - On each weekend day, FM local stations should provide a minimum of 4 hours of locally-made programming between 6am and 7pm, and local news at least hourly during peak-time (defined as late breakfast).
  - AM local stations need not produce any locally-made programming nor broadcast any local material, but a minimum of 10 hours between 6am and 7pm on weekdays should be produced from within the UK nation in which the station’s broadcast area is located.

- Certain defined ‘regional’ analogue stations need not produce any locally-made programmes nor broadcast any local material provided they are broadcast on a national DAB multiplex.
  - Each local station may produce its locally-made programmes from the studios of any other station in a wider area approved by Ofcom, and share its locally-made programmes with one or more other local station in this approved area.
- 2.16 Since the current guidelines came into effect in 2010, Ofcom has agreed 416 Format change requests from analogue local commercial radio stations to share studios (‘co-location’) and/or share local programming hours (‘programme sharing’). The majority of these requests were for co-location or programme sharing arrangements taking place within the areas approved by Ofcom in 2010.

## Context for the proposed changes

- 2.17 It is now approaching a decade since Ofcom last carried out a review of its regulation of localness on radio.<sup>5</sup>
- 2.18 Since then, local analogue radio stations have faced increasing competition for both listeners and advertisers. This competition is coming from music streaming services such as Spotify and Apple Music, as well as from other radio services which are either not regulated (internet radio) or are regulated less than analogue services (DAB and other digital broadcast platforms).
- 2.19 Data from the independent radio audience research organisation RAJAR shows that there has been a noticeable shift in listening patterns over the past decade away from local commercial radio stations to national commercial radio. Ten years ago, local commercial radio services accounted for 30.3% of all radio listening, with national commercial radio accounting for 10.7%<sup>6</sup>. Ten years later, local commercial radio’s share of listening is down to 27.4%, with national commercial radio increasing by over seven percentage points to 17.5%<sup>7</sup>.
- 2.20 This is likely to reflect the fact that listeners now have a much greater choice of national radio stations available to them on the DAB platform. Over half of all radio listening is now to digital services (almost three-quarters of which is via DAB), 90% of all new cars come with DAB fitted as standard, and 64% of consumers have access to a DAB radio at home.
- 2.21 There is also currently a difference, particularly with regards to ‘localness’ requirements, between the considerably ‘lighter touch’ regulation of services broadcast on the DAB

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<sup>5</sup> Ofcom’s consultation ‘Radio: the implications of *Digital Britain* for localness regulation’ was published in July 2009, with the statement following in April 2010. Both documents are available at: <https://www.ofcom.org.uk/consultations-and-statements/category-1/radio>

<sup>6</sup> Source RAJAR Q1 2008

<sup>7</sup> Source RAJAR Q1 2018

platform compared to the regulation of those which are broadcast on analogue (AM and FM) radio.

- 2.22 In their responses<sup>8</sup> to the Government's 2017 consultation on commercial radio deregulation (see paragraphs 2.24 to 2.31), some of the larger radio station owners asked Government to create a more level playing field between analogue and digital services. Less prescriptive regulation in the analogue sector, they claimed, will enable them to be more flexible and compete more effectively against unregulated music streaming services and internet-only stations.
- 2.23 On the other hand, in the event of a future 'switch-over' from analogue to DAB, many have also considered it important to retain some 'localness' on radio services broadcasting on local DAB multiplexes. In the absence of any new legislation, this is an aspect of the current radio landscape that could be lost if and when local stations cease to broadcast their analogue signals, or the vast majority of listeners switch to DAB.

## Input to Government review

- 2.24 In September 2015, the then Minister for Culture, Communications and the Creative Industries, Ed Vaizey MP, asked Ofcom to examine the scope to deregulate the licensing of commercial radio, including options for reforming the regulatory requirements relating to local content, including news, and locally-made programmes.
- 2.25 To help inform our response<sup>9</sup>, we carried out some qualitative consumer research<sup>10</sup> into listeners' perceptions of the local material and locally made programmes on local radio, and the extent to which this content is delivered uniquely compared to other media sources.
- 2.26 The research found that while for the vast majority of listeners music is the most important type of content provided by local radio, they also considered informational content such as local news, travel and weather as being critical to defining a station as 'local'.
- 2.27 When asked to rank the relative importance of various characteristics of local radio stations, locally-based presenters were seen as less important than relevant and accurate local news and information updates. Most participants thought that it was more important that presenters were entertaining and/or well-informed rather than simply being based in the local area.

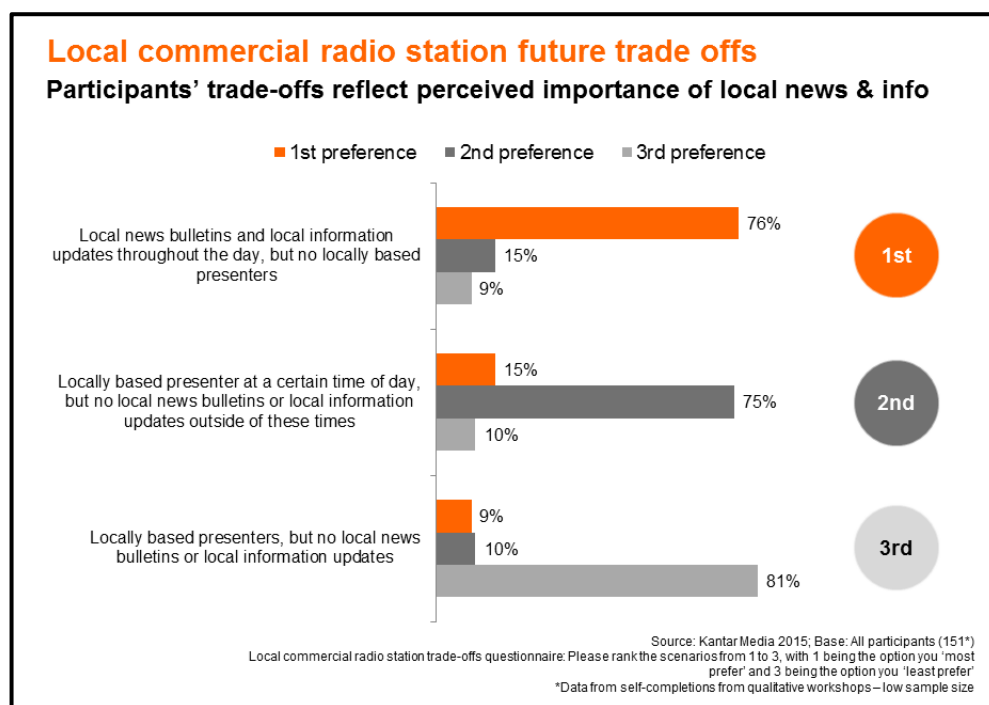
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<sup>8</sup> DCMS consultation responses available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668927/Commercial\\_radio\\_deregulation\\_responses\\_received\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668927/Commercial_radio_deregulation_responses_received_final.pdf)

<sup>9</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0030/76908/letter\\_to\\_ed\\_vaizey\\_mp\\_230216.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0030/76908/letter_to_ed_vaizey_mp_230216.pdf)

<sup>10</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0026/81467/local\\_commercial\\_radio\\_content\\_research.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0026/81467/local_commercial_radio_content_research.pdf)

Figure 2: Local commercial radio station future trade-offs (2015)



- 2.28 We also carried out an analysis of the radio markets in other countries which suggested that a requirement to provide locally-made programming does not necessarily secure the provision of local material, or programming of local relevance. For example, we found that in France and Canada, where local radio stations were required to broadcast three or six hours per day of locally-made programming, local material was nevertheless not necessarily delivered unless stations were also under a specific obligation to provide such content.
- 2.29 The Government subsequently issued a consultation in February 2017<sup>11</sup>, which set out a number of proposals for amending commercial radio’s regulatory framework. These included proposals to replace Ofcom’s current duty to secure a range and choice of radio services with a new duty to secure the provision of news and other core information such as traffic and travel information and weather, and to give all local commercial radio stations the flexibility to produce and broadcast locally-relevant content without requirements on where that local content is made or broadcast from.
- 2.30 In December 2017, the Government confirmed its intention to press ahead with these and other proposals<sup>12</sup>, by bringing forward legislation prior to 2022.

<sup>11</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/591508/RadioDereg-Final13Feb.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/591508/RadioDereg-Final13Feb.pdf)

<sup>12</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668926/Commercial\\_radio\\_deregulation\\_Government\\_response\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668926/Commercial_radio_deregulation_Government_response_final.pdf)

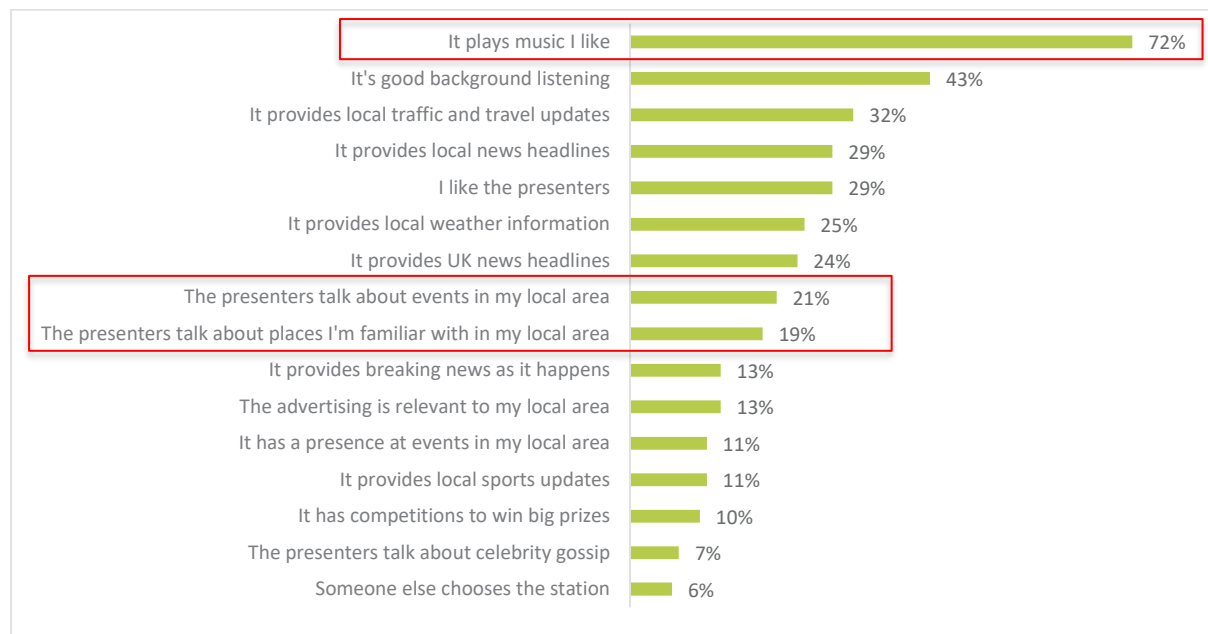
2.31 Unless or until the statutory framework is changed, Ofcom is of course required to continue to operate under the current legislation. Our aim in consulting now is to ensure that we have an effective and appropriate set of localness guidance, as required under section 314 of the Communications Act 2003.

### New audience research

2.32 Earlier this year we commissioned an online omnibus survey with a sample of 1,621 local commercial radio listeners across the UK. The aim of the research was to understand motivations for listening to those stations and what elements, if any, contribute to the 'localness' of a station. We present an overview of the findings here, and will reference the charts as relevant throughout this document.

2.33 In line with other research, Figure 3 shows the findings from our survey indicate that by far the primary motivation for listening to particular local commercial radio stations is the music they play (72% of listeners). This is followed by background listening (43%) and then aspects of local content such as local traffic and travel (32%) and local news headlines (29%). Having presenters talk about events in the local area or local places were much lower in the order with only around a fifth of listeners selecting these as reasons to listen. When asked to choose the one main reason (see Figure 4), over half of the sample (54%) said it was because of the music.

**Figure 3: Reasons for listening to local commercial radio stations**

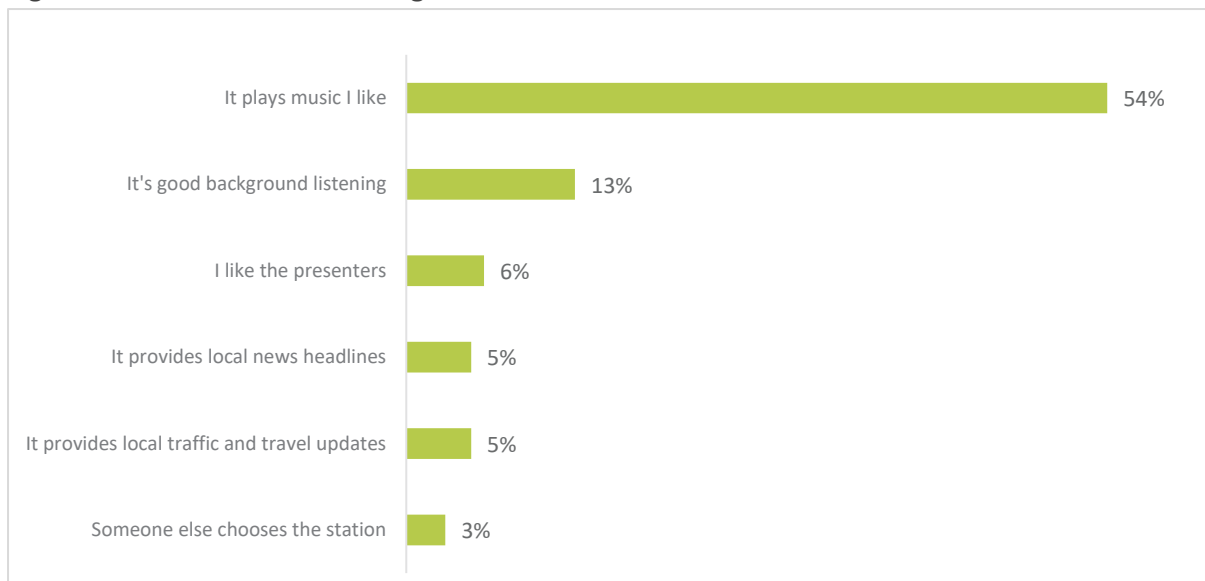


Source: Populus Research, 2018

Base: Local commercial radio listeners (1,621)

Question: "Why do you listen to [local commercial station]?"

Figure 4: Main reason for listening to local commercial radio stations



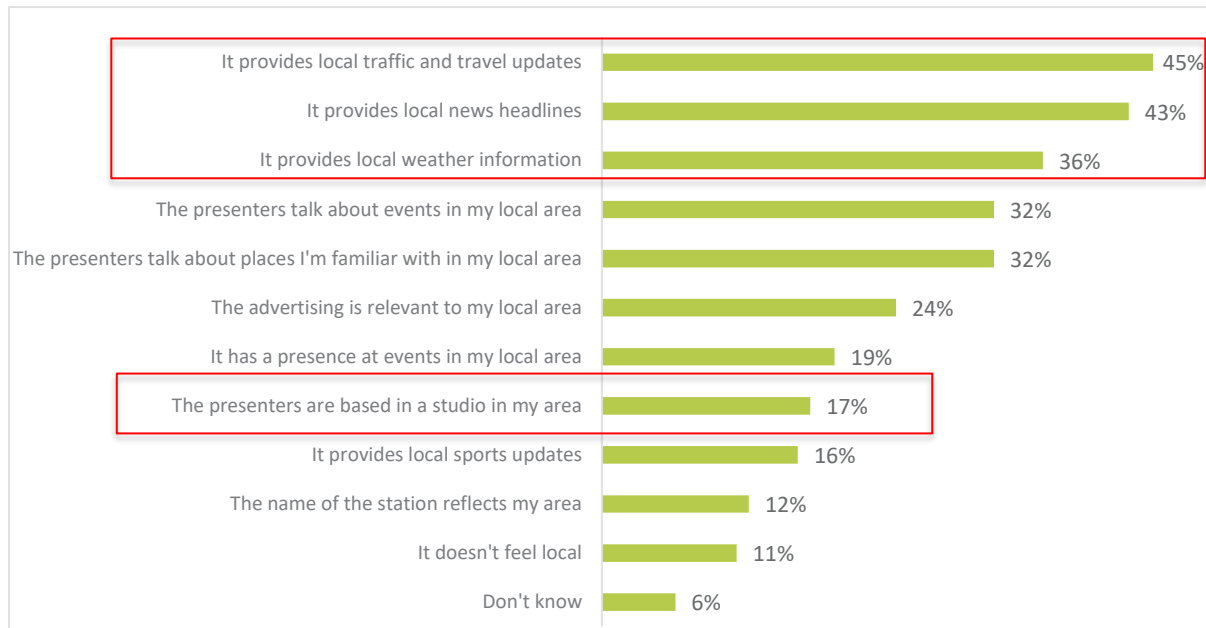
Source: Populus Research, 2018

Base: Local commercial radio listeners (1,621)

Question: "And which is the most important reason you listen to [local commercial station]?"

2.34 We also asked listeners to indicate what, if anything, about the local commercial station they listen to makes it feel local to them (Figure 5). The provision of local information such as traffic and travel, news headlines and weather were the top three responses from the range of options they were offered. Presenters being based in their local area was only selected by 17% of listeners, and was ranked eighth overall. There was no overall consensus regarding which one factor defines the localness of a station, with local news headlines ranked with just a fifth of listeners (Figure 6).

**Figure 5: Factors that contribute to ‘localness’ of local commercial radio stations**

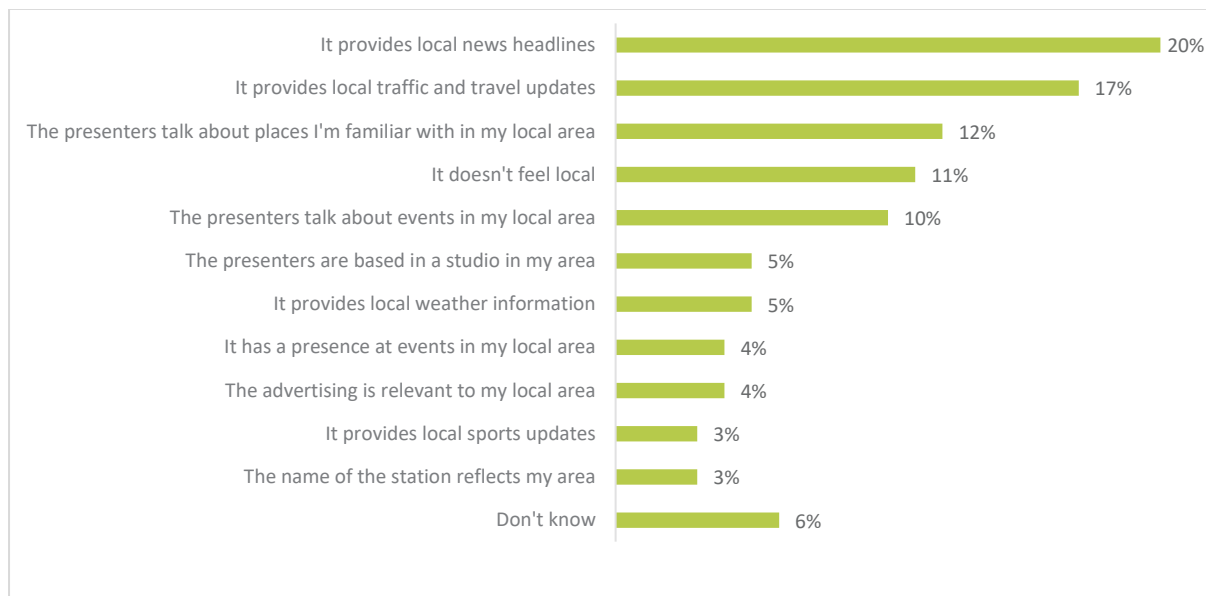


Source: Populus Research, 2018

Base: Local commercial radio listeners (1,621)

Question: “Local radio can mean many things to different people. What is it about [local commercial station], if anything, that makes you feel it is local?”

**Figure 6: The main factor contributing to ‘localness’ of local commercial radio stations**



Source: Populus Research, 2018

Base: Local commercial radio listeners (1,621)

Question: “And what is the main reason [local commercial station] feels local to you?”

## Scope of this consultation

2.35 Considering all the evidence in the round, we consider that the requirement on Ofcom to secure appropriate amounts of local material and locally-made programming could still be satisfied if stations were able to reduce the amount of locally-made programming they provide while still being expected to provide local material, particularly local news.

**Question 1. Do you agree that Ofcom’s duty to secure ‘localness’ on local commercial radio stations could be satisfied if stations were able to reduce the amount of locally-made programming they provide? If not, please explain the reasons and/or evidence which support your view.**

2.36 Accordingly, in the remainder of this consultation document, we consider what revisions we should make to our guidance about how we consider that stations should meet their specific local material and locally-made programming requirements.

2.37 This document is therefore:

- a) a consultation on revising the localness guidance, as required under s314(5) of the Communications Act 2003; and
- b) a consultation on approving one or more areas, as required under s314(9) of the Communications Act 2003.

2.38 We are not looking at non-localness aspects of Formats (primarily the requirements pertaining to music output) as we considered this area relatively recently, in 2015, deregulating significantly following a public consultation.<sup>13</sup>

2.39 The outcome of this consultation will potentially be changes to our existing localness guidelines, as proposed at Annex 1, including larger approved areas, as proposed at Annex 2.

2.40 If, following this consultation, these (or other) changes to the guidance are implemented, stations will still need to apply for a Format change to effect any changes they wish to make which are consistent with the new guidelines.

2.41 Under the statutory framework, Ofcom is not required to consult on a request from a station to provide its locally-made programming from any location(s) within its new approved area (as proposed in this consultation document, or amended following the consultation).

2.42 We are also not required to consult if we consider that a proposed change would not result in a substantial change to the character of the service, and we are likely to regard a request which is in line with the revised localness guidelines as not constituting a substantial change to the character of a service.

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<sup>13</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0025/51667/statement.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0025/51667/statement.pdf)



- 2.43 In the next Section, we set out our proposed changes to the localness guidelines relating to the volume and scheduling of locally-made programming. In Section 4, we set out our proposed changes to the localness guidelines relating to where locally-made programming can come from, by proposing a new set of approved areas. Finally, in Section 5, we propose some minor amendments to the localness guidelines relating to local material.

## **Impact assessment and equality impact assessment**

- 2.44 This document, as a whole, comprises an impact assessment as defined in Section 7 of the 2003 Act. We have not identified any detrimental impact on any equality groups (i.e. age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation). Nor have we seen the need to carry out a separate equality impact assessment in relation to the additional equality groups in Northern Ireland: religious belief, political opinion and dependents. This is because we anticipate that the changes proposed in this document will not have a differential impact in Northern Ireland compared to listeners in the rest of the UK.
- 2.45 We have also paid due regard to Ofcom's Welsh Language Standards on Policy Making as outlined in its compliance notice. The policy making standards are applicable at the point where they will have an impact regardless of where the policy decision is made. We anticipate that none of the proposals outlined in this document will have any effect on opportunities for persons to use the Welsh language, or in treating the Welsh language no less favourably than the English language.

## 3. Locally-made programming

- 3.1 In this section we make proposals to change our localness guidelines as they relate to:
- the volume of locally-made programmes which we expect local stations to provide, and;
  - when locally-made programmes should be broadcast.
- 3.2 As a reminder, the relevant current guidelines are as follows:
- On weekdays, FM local stations should provide either:
    - a minimum of 10 hours of locally-made programming between 6am and 7pm (and this must include the breakfast show) if they are providing local news at least hourly at peak-times (breakfast and afternoon drivetime),
    - or;
    - a minimum of 7 hours of locally-made programming between 6am and 7pm (and this must include the breakfast show) if they are providing local news at least hourly throughout the same period.
  - On each weekend day, FM local stations should provide a minimum of 4 hours of locally-made programming between 6am and 7pm, and local news at least hourly during peak-time (defined as late breakfast).
  - AM local stations need not produce any locally-made programming nor broadcast any local material, but a minimum of 10 hours between 6am and 7pm on weekdays should be produced from within the UK nation in which the station's broadcast area is located.
- 3.3 As set out in Section 2, these guidelines were last revised substantially in 2010, based primarily on evidence from consumer research carried out in 2007 and a 2008/9 study of the economic impact of potential regulatory relaxations.
- 3.4 At that time, we concluded that the guidelines set out above would enable us to secure our statutory duties in a way that was proportionate, and which took proper account of their likely impact.
- 3.5 The current guidelines secure that at least two programmes each weekday daytime and one on each weekend day are locally-made (most commercial radio shows are of 3-4 hours duration), while further specifying that on weekdays one of these programmes should be the breakfast show. This latter guidance stems from the fact that radio stations generally attract their biggest audience at this time of day, and because the research carried out at the time suggested that this was the time of day that many listeners considered should be 'local'.
- 3.6 In Section 2 of this consultation document, we have set out the changes which have taken place, and continue to take place, in the market within which analogue local commercial radio stations operate and are required to deliver their licence obligations, and the

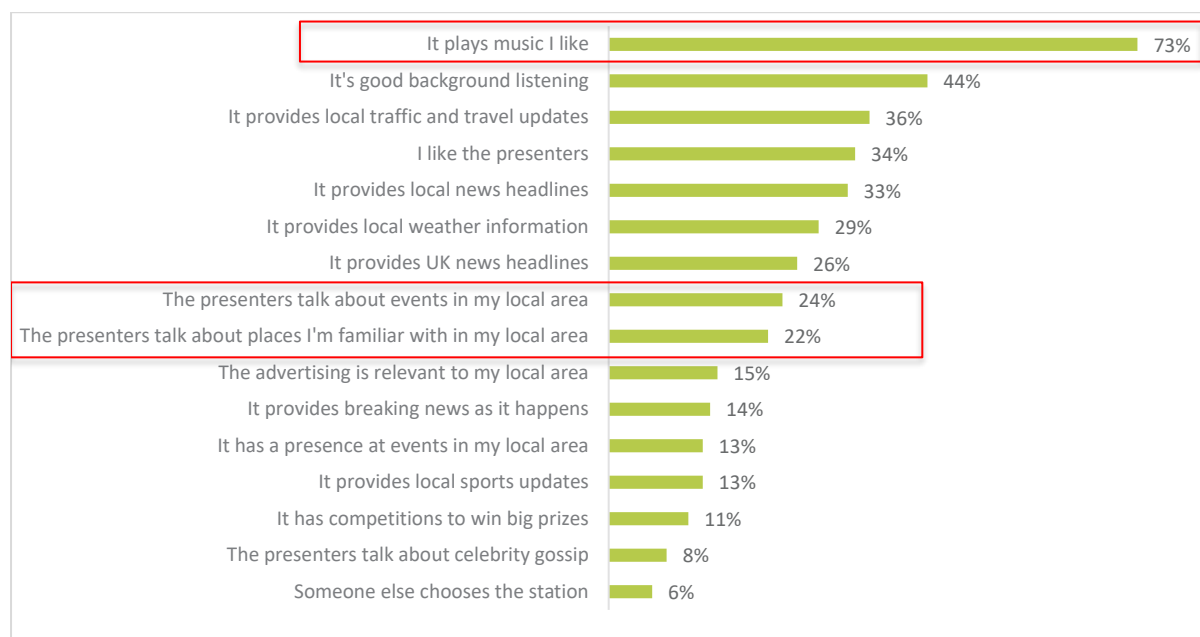
research evidence we have gathered since September 2015 regarding listeners' views on local material and locally-made programming and their relative importance.

- 3.7 It is also relevant that locally-made programming is relatively costly for commercial radio companies to make because of the need to maintain separate studios and presenters, when programmes can now technically, and often more efficiently, be made centrally. Our analysis has shown that locally-made programming is typically the highest single cost for local stations as a proportion of their costs. Reducing requirements in this area could mean that commercial radio companies could instead choose to spend the costs of maintaining separate studios on producing high quality, locally-relevant content.
- 3.8 Taken together, we consider that this evidence points towards commercial radio stations being able, if they so wish, to provide a lower amount of locally-made programming than we currently expect, while still being required to provide appropriate amounts of local news and other local material.
- 3.9 In considering how best to ensure our localness guidelines reflect listener expectations while also providing stations with maximum flexibility in how they produce their programmes, we have taken the view that we should consider what might be appropriate minimum amounts of local-made programming across the week as a whole. Our research evidence does not suggest that there is a need to consider locally-made programming at weekends separately from weekdays. The sample in our online survey listened to their local commercial stations during the week and also at the weekend so their responses reflect the range of output. Furthermore, findings from RAJAR indicate that just 6% of local commercial radio listeners listen only at weekends<sup>14</sup>.
- 3.10 Similarly, while the weekday breakfast period is still the time of day when radio generally attracts its largest audiences, the research evidence suggests there is no longer any greater demand for locally-based presenters at breakfast than at any other times of day. Among the sample in our 2018 research who listen to local commercial radio stations during weekday breakfast shows or afternoon drivetime, their reasons for listening are consistent with all listeners, with music continuing to be the main reason to listen (73%) followed by background listening (44%) and local traffic and travel (36%). Having presenters that talk about events in the local area was ranked seventh, with 24% of listeners at these times indicating this as a reason to listen. Ranked eighth was having presenters that talk about places they're familiar with in their local area (22%).

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<sup>14</sup> RAJAR Q1 2018

Figure 7: Reasons for listening to local commercial radio stations



Source: Populus Research, 2018

Base: Local commercial radio listeners who listen at breakfast or afternoon/drivetime (1,798)

Question: "Why do you listen to [local commercial station]?"

- 3.11 In addition, we recognise that there could be listener benefits if commercial radio groups have the flexibility to offer a breakfast show presented by a single national presenter and broadcast across multiple local stations, but which still includes the locally-relevant material for each local area that listeners expect.
- 3.12 We therefore propose to amend our guidance regarding the minimum number of hours of locally-made programming we expect local FM stations to provide on weekdays as follows:
- On weekdays, FM local stations should provide either:
    - a minimum of 6 hours of locally-made programming between 6am and 7pm if they are providing local news at least hourly at peak-times (breakfast and afternoon drivetime),
    - or;
    - a minimum of 3 hours of locally-made programming between 6am and 7pm if they are providing local news at least hourly throughout the same period.
- 3.13 These proposals would therefore set our new minimum expectation at one locally-made programme each weekday for stations providing local news throughout the day, and at two locally-made programmes per day for stations providing local news only at breakfast and afternoon drivetime.
- 3.14 We also propose that stations should no longer be expected to provide a locally-made breakfast show, nor any locally-made programming at weekends and public holidays.

- 3.15 We are not proposing to amend our guidelines relating to the provision of locally-made programming by stations broadcasting on AM (medium wave). There are also no changes proposed to the provision of locally-made programming by regional or London stations providing a national DAB service. The localness guidelines showing our proposed changes are at Annex 1.
- 3.16 It is important to remember that these proposals, if implemented, will be guidelines, not rules. It would be up to individual stations to decide whether or not they wished to change the requirements in their Formats relating to locally-made programming in a way which is consistent with the proposed new guidelines.

**Question 2. Do you agree with our proposed amendments to the localness guidelines relating to locally-made programming? If not, please specify any amendments you think should be made instead (if any), and explain the reasons and/or evidence which support your view.**

- 3.17 Having considered the volume and scheduling of locally-made programming, we now go on to consider how 'locally-made' should be defined for each local station by reconsidering the approved areas.

## 4. Approved Areas

- 4.1 In Section 2 we outlined proposals to change the minimum volume of locally-made programmes which we expect local commercial radio stations to provide, and changes to our expectations on when locally-made programmes should be broadcast. In this section, we make proposals relating to the location stations must broadcast their required local hours from (i.e. where the hours of local production must take place).
- 4.2 Approved areas were introduced by Ofcom following the passage of the Digital Economy Act 2010. They created a defined set of geographical areas covering the UK, taking into account existing transmission areas, issues of scale/economic viability and local affinities. Within these approved areas, stations are able to request to co-locate and share all of their locally-made programming hours, effectively allowing them to come together to become larger.
- 4.3 The 31 approved areas are illustrated in the map overleaf. Note that stations based within Greater London and the north of Scotland are not in approved areas (see paragraph 4.14). This means that any requests from licensees within these areas to co-locate or share programming need to be assessed by Ofcom on a case-by-case basis.

Figure 8: Existing Ofcom approved areas



Notes: Map excludes the Approved Area for the Channel Islands.

Adult population figures are those used by Ofcom in our 2009 consultation and 2010 statement 'Radio: the implications of Digital Britain for localness regulation.' Both documents are available at: <https://www.ofcom.org.uk/consultations-and-statements/category-1/radio>

- 4.4 Under the Digital Economy Act 2010, Ofcom has the discretion to set and revise approved areas. In some cases, we have already allowed some smaller stations in different approved areas to co-locate/share programmes, effectively creating larger approved areas for those stations. For example, 'The Breeze' in Bristol, owned by Celador Radio, shares its local hours of programming with sister 'Breeze' stations that are located in the Solent and Wiltshire Approved Areas, in addition to other 'Breeze' stations that are located in the West of England Approved area.
- 4.5 The research conducted by Ofcom for this review suggests that, in thinking about what makes their station of choice feel 'local', the location of presenters is not as important for listeners to local commercial radio as the delivery by the station of local material - primarily local news, travel news and weather (see Figures 5 and 6).
- 4.6 In terms of sourcing and delivering local material, advances in technology mean it is less essential for a radio station to be physically based in its local area. For example, interviews can now be conducted remotely using internet-delivered voice call services that are optimised for broadcast. If correctly used the audio quality of these calls is considerably better than the previous alternative of conducting the interview via a traditional phone line. Similarly, source material that may once have only been available within a particular area (for example, a copy of the local newspaper) can now be accessed from anywhere online, while the advent of 'citizen journalism' on social media means that journalists can often get some sense of a developing incident without actually being there.
- 4.7 In their submissions to the Government's recent deregulation consultation, the larger commercial radio companies have further argued that they can actually produce better content from centralised production hubs, where resources can be co-ordinated and the use of staff can be optimised. However, we are aware that there are many in the industry who would not share that view, and we note that there remain considerable advantages, such as knowledge and understanding of a local area and the ability to make contacts, in having journalists based in the editorial area they are covering.
- 4.8 However, in light of the research findings discussed above and the technological changes that have taken place within the industry, we consider there is a case to make the existing approved areas bigger. This would give licensees the freedom, within significantly broader geographic areas than previously, to determine where to locate their studios and make their content. This flexibility would enable radio groups which own multiple licences in the same region to put more resources into programme making and less into the "bricks and mortar" costs of maintaining a number of local studios.
- 4.9 We recognise that the stations which are likely to take advantage of this flexibility will be those broadcast under licences held by the large commercial radio groups, who will be more likely to own other licences within the approved area, normally using a common brand name for all the services.
- 4.10 We anticipate that – even in the context of larger approved areas – smaller, independent operators are less likely to close local studios.



- 4.11 Our proposal is to combine Ofcom’s existing published approved areas into a smaller number of significantly larger approved areas which match as closely as possible the ITV regions. This is on the basis that the ITV regions are an already well-established framework for the delivery of sub-UK-wide broadcast programming, which both audiences and advertisers have a degree of familiarity with.
- 4.12 The new approved areas we are proposing differ slightly from the ITV regions, partly because – as explained above – they are based on merging Ofcom’s existing approved areas. The two most significant differences (although there are others) are as follows:
- We are proposing a single ‘West of England’ approved area for the stations located in that region. This is because the population of the Westcountry ITV region (covering Devon and Cornwall) is disproportionately small compared to the size of most of the other approved areas we are proposing in this consultation.
  - Similarly, the Border ITV region is also small in population terms. We are proposing to include all licences that are currently in Ofcom’s ‘Scotland’ approved area in our new ‘South of Scotland’ approved area. The stations located in England that broadcast within the Border ITV region will join with those in the Granada ITV region to form a new ‘North West of England’ approved area.
- 4.13 Currently, stations based in the north of Scotland and Greater London do not have an approved area – they must make all of their locally-made programming at premises in the areas to which they broadcast.
- 4.14 The approved areas created by Ofcom in 2010 were loosely based on the transmission areas of ‘heritage’ local commercial radio stations and local radio multiplex areas. In the case of London, however, it was decided that the heritage stations and multiplexes had particularly large coverage areas which overlapped with that of other local stations and multiplexes. This meant that, for example, small stations within the London area would be able to co-locate and share programming, despite being many miles away from one another on opposite sides of the capital, and having few local affinities. In the case of the north of Scotland, it was decided that the large distances between stations in this area meant that cultural affinities between the different licence areas would be likely to be limited.
- 4.15 However, the increased size and scope of the new approved areas we are proposing elsewhere in the UK – for the policy reasons we set out in Section 2 of this document – means that we are now proposing the introduction of approved areas for London and the north of Scotland
- 4.16 Our proposals for the new, larger approved areas are set out and illustrated in the table and by the maps overleaf:

Figure 9: Definitions of proposed approved areas

Proposed new approved area	Composition (existing approved areas)
Central	Birmingham & Warwickshire, East Midlands, South West Midlands, Stoke, Wolverhampton & Shropshire.
Channel Islands	Channel Islands.
East of England	Cambridgeshire, East Anglia, Essex.
London	N/A
Northern Ireland	Northern Ireland.
North East of England	North East.
North West of England	Lancashire & Cumbria, Liverpool, Manchester.
North of Scotland	N/A
South of Scotland	Edinburgh & The Borders, Glasgow & South West Scotland.
South of England	Thames Valley, Surrey & Sussex, Kent, Home Counties.
Wales	North & Mid Wales, South Wales, West Wales.
West of England	Solent, South West, West, Wiltshire.
Yorkshire	East Riding & Lincolnshire, North Yorkshire, South Yorkshire, West Yorkshire.

Figure 10: Map of the proposed new approved areas, showing merging of existing approved areas



Notes: Map excludes the Approved Area for the Channel Islands.

Adult population figures are those used by Ofcom in our 2009 consultation and 2010 statement 'Radio: the implications of *Digital Britain* for localness regulation.' Both documents are available at: <https://www.ofcom.org.uk/consultations-and-statements/category-1/radio>

Figure 11: Map of the proposed new approved areas



Note: map excludes the approved area for the Channel islands.

- 4.17 A complete list of current local analogue licences, and their proposed new approved areas, is published at Annex 2.
- 4.18 A station may ask Ofcom to approve a different area for the purposes of where its locally-made programmes may be originated (i.e. one which includes one or more areas or localities which are not within the approved area specified in the map above, and table at Annex 2). As well as needing to be considered in accordance with the statutory Format change process (which may or may not require a consultation), any such request must in any case be published for comment before it can be approved by Ofcom.

**Question 3. Do you agree with our proposed new approved areas? If not, please specify any alternative proposals you think should be considered (if any), and explain the reasons and/or evidence which support your view.**

## 5. Local material

- 5.1 As we have highlighted earlier in this document, our current localness guidelines state that stations should provide local material (e.g. travel, weather etc.) when they are broadcasting locally-made programmes, but we do not say how much local material should be provided.
- 5.2 Although we are proposing that stations should have the flexibility to provide less locally-made programming than our current guidelines suggest they should, this does not mean that we are also amending our expectations regarding the provision of local material.
- 5.3 Specifically, each local station's requirement to provide local material within the context of its individual 'character of service' (as included in its Format) will remain, so listeners in the area served by an individual licensed service should still expect a locally-relevant service even if most of the programmes are not actually provided from their local area (and/or are shared with stations serving other licensed areas).
- 5.4 The localness guidelines set out our view on the type(s) of local material a local station should provide irrespective of how many hours of locally-made programming its Format requires – this will continue to be the case.
- 5.5 However, we propose to amend the guidelines to recognise the fact that some stations may in future be providing only 3 or 6 hours of locally-made programming each weekday and none at weekends, while they will still be expected to provide appropriate amounts of local material.
- 5.6 Specifically, we propose to replace the following sentence in the current guidelines:  
“the locally-made programmes should include local material across the stated minimum hours as a whole, although local material need not be included in each of those individual hours if this is not appropriate”  
with the following new guidance:  
“any station whose character of service requires it to provide a local service should include, as well as the level of local news specified in its Format, sufficient other local material consistent with these guidelines to deliver the required character of service”.
- 5.7 We do not propose any other changes to our guidelines as they relate to local material.
- 5.8 We are also not proposing any changes to the guidelines in respect of local news provision.

**Question 4. Do you agree with our proposed amendments to the localness guidelines relating to local material? If not, please specify any amendments you think should be made instead, and explain the reasons and/or evidence which support your view.**

# A1. Proposed new localness guidelines

- A1.1 In this Annex we set out the current localness guidelines, showing (in red) the changes we are proposing to make and on which we are seeking views in this consultation.
- A1.2 We also intend to make some other drafting amendments to the guidelines, primarily for clarification. These do not form part of this consultation, and are included here – in green – for completeness only.

## Ofcom Localness Guidelines

### Introduction

Legislation requires Ofcom to secure that local commercial radio stations provide an appropriate amount of:

- programmes including local material; and
- locally made programmes

and to provide guidelines as to how the above requirements should be met.

These are the required guidelines. They set out Ofcom's general policy in relation to these localness requirements and how we are likely in most cases to apply them to local stations.

Ofcom considers each station on a case by case basis and how, if at all, these guidelines should apply to those stations. The extent to which local material and locally made programmes must be included in the service provided by a licensee is specified in the station's Format (and may vary by station).

Localness is not an issue for all stations, but where it is required by a station's licensed Format, it should be informed by these guidelines.

**In particular, any station whose character of service requires it to provide a local service should include, as well as the level of local news specified in its Format, sufficient other local material consistent with these guidelines to deliver the required character of service.**

These guidelines are not rules as such, but they outline the sort of considerations that may come into play if it becomes necessary to investigate a station's localness output. Many of these considerations are based on listener expectations.

### Local material

Section 314 of the Communications Act 2003 defines 'local material' as *material which is of particular interest to those living or working within (or within part of) the area or locality for which the service is provided or to particular communities living or working within that area or locality (or a part of it)*. It can be delivered in a number of ways (local news, local information, comment, outside broadcasts, what's-on, travel news, interviews, charity involvement, weather, airplay for local musicians, local arts and culture, sport coverage, phone-ins, listener interactivity etc.). The balance of the different elements of local material outlined is for each station to determine for itself. But, where a station is required to broadcast local material it should include at least some of these elements.

## **What local material is**

We take local material as defined to mean, amongst other things:

- A listener should get a feel for an area by tuning in to a particular station, and have confidence that matters of local importance, relevance or interest to the target audience in the area will be broadcast;
- This should include programming of specific local relevance which also offers a distinctive alternative to UK-wide or nations' service;
- It should include content drawn from, and / or relevant to the station's licensed area;
- Licensees should be able to identify a range of output which is specifically relevant to their local area;
- Programming should be likely to give listeners a feeling of ownership and / or kinship, particularly at times of crisis (snow, floods etc).

## **What it isn't**

- Pure promotional off-air activities such as station promotion in the area (vehicles carrying station logos, outside broadcasts, etc.), without on-air activity involving something other than self-promotion, are not in themselves substitutes for local programming;
- Competitions / promotions that invite and involve listener participation from outside a station area would not be regarded as a contribution to localness; and
- Advertisements are not regarded as local programming within the context of localness and Ofcom's localness guidance.

## **Local news provision**

Because of the particular importance to citizens and consumers of local news, all stations required to broadcast local material should broadcast local news at least hourly throughout peak-time both on weekdays (breakfast and afternoon drive) and weekends (late breakfast). Those stations which have committed to an enhanced news service (see below) should broadcast local news at least hourly during daytime on weekdays (6am-7pm) and throughout peak-time (late breakfast) at weekends.

## **Local news content:**

- Local news should be high-quality, relevant, timely and accurate, as well as complying fully with the requirements of the Broadcasting Code.
- A station should be able to react on-air to major local events in a timely manner.
- Bulletins should seek to reflect the interests and concerns of listeners living in the area.
- Local news stories should be up to date and regularly refreshed.
- Local news bulletins should also feature nations' (if relevant), UK-wide and international news.
- The amount of local news, and the balance of local and national news in any particular bulletin, should be subject to professional journalistic judgements, but local news will always be an essential characteristic of a local station's overall output.
- Simply localising UK-wide news (e.g. conducting vox pop interviews in one area and playing them out as if from another or inserting local place names into UK-wide stories) without local news / information generation would not be regarded as a contribution towards localness or fulfilling local news requirements.
- While local sports stories can make a significant contribution to delivering localness, and can represent an important part of a local station's editorial mix, local sports news would not be regarded as being a substitute for local news stories.
- Similarly, entertainment news may be relevant locally but should not be the main ingredient of local news bulletins or a substitute for more serious local news stories.



### 'Enhanced' local news services

Some local stations have committed to providing an enhanced local news service in return for being able to broadcast a greater number of networked hours (i.e. programmes not made from within their licensed, or approved, area) during daytime programming.

The enhanced local news option gives stations the flexibility to reduce the number of local hours produced, should they wish to make associated cost savings. The provision of local news bulletins during daytime, as well as peak-time, helps to ensure that the station's local content and identity is maintained during these daytime networked hours. ~~In our research on localness in commercial radio, published in 2009, local news was the type of content most valued by listeners, and its delivery also benefits communities and local democracy.~~

It therefore follows that local bulletins running during daytime hours as part of an 'enhanced' news service should not be merely tokenistic box-ticking exercises, and each bulletin should meet the requirements set out for local news in general (see guidance above) just as comfortably as bulletins aired during peaktime (i.e. weekday breakfast and drivetime, and weekend late breakfast).

While we have never prescribed minimum durations for any type of news bulletin, as that is a matter for the licensee, we would always expect each enhanced daytime bulletin to feature more than simply headlines, and to include at the very least one fully-formed local news story, and normally more than this, alongside national stories. In cases where stations are sharing their local hours within an approved area (see notes on 'co-location and programme sharing, below), and are broadcasting the same news bulletin across more than one licensed area, at least one of the local stories in each bulletin needs to be directly relevant to listeners in each of the licensed areas. This is because stations sharing their local hours remain separate licences which still need to satisfy the localness and character of service requirements set out in their individual Formats.

### Local news production

- Any group of stations may choose to pool their news resources and operate one or more 'news hubs' in a way which makes operational sense for them. However, in order to provide a comprehensive local news service in touch with the area it is covering, each station should have direct and accountable editorial responsibility for covering its licensed area.
- There should be an appropriate provision of professional journalistic cover, based within the licence area (or approved local area if appropriate), on days when local news provision is a Format obligation.
- The pre-recording of news bulletins should be an exception rather than a rule and peak-time bulletins should always be broadcast live (or pre-recorded only shortly before transmission).

### Locally-made programmes

Where a station is required to broadcast programmes including local material a suitable proportion of them (as determined by Ofcom) must be locally-made programmes.

### Defining 'locally made'

Locally-made programmes are those made within a station's licensed area or, where Ofcom has approved an area relating to that station, that approved area. A station's Format will formally indicate where it must make its locally-made programmes. While it is acceptable ~~during locally-made hours~~ for news bulletins to be produced and/or delivered from outside the station's licensed or approved area as part of a 'news hub' arrangement (see guidance on local news provision, above), and it is also permissible for other individual elements of local content (such as travel news) to be sourced from outside the local area, it is our expectation that the main presenter or host of any programme broadcast during a station's locally-made hours should be physically located within that station's licensed or approved area. This guidance also applies to situations where the programme's main presenter is pre-recorded or voice-tracked (i.e. not broadcasting 'live').

## Consultation: Localness on commercial radio

While stations are free to network programmes outside the requirements regarding locally-made programmes in their Formats, they should still be able to respond to local events in a timely manner, providing live local programming in the way and at times that audiences expect.

### FM local stations

On weekdays, FM local stations should provide either:

a minimum of 6 hours of locally-made programming between 6am and 7pm if they are providing local news at least hourly at peak-times (breakfast and afternoon drivetime),

or;

a minimum of 3 hours of locally-made programming between 6am and 7pm if they are providing local news at least hourly throughout the same period.

~~Generally, each FM station should produce a minimum of 10 hours a day of locally-made programmes during weekday daytimes (this should include breakfast).~~

~~However, where an FM station provides an enhanced news service, of local news at least hourly during daytime on weekdays and at weekend peak times, that station should produce a minimum of 7 hours a day of locally-made programmes during weekday daytimes (this should include breakfast). Stations wishing to move to this type of arrangement need to submit a [Format Change Request](#).~~

~~Whether they provide an enhanced news service or not, each station should produce a minimum of 4 hours a day of locally-made programmes at weekends (in daytime).~~

~~In each case, the locally-made programmes should include local material across the stated minimum hours as a whole, although local material need not be included in each of those individual hours if this is not appropriate.~~

In exceptional cases, if a station can put forward a convincing case as to why it should be treated differently, for example, as a specialist music station, and so have to provide ~~less local material and~~ less locally-made programmes than these guidelines suggest, Ofcom will consider such requests on a case-by-case basis.

### AM local stations

AM stations generally need not produce locally-made programmes nor broadcast local material. But, each AM station should produce a minimum of 10 hours of programmes during weekday daytimes from within the nation where the station is based.

~~AM stations currently required by their Formats to produce locally-made programmes and broadcast local material may request changes in line with our published [Format change guidelines](#).~~

### Origin of locally-made programmes ~~Co-location~~ and programme sharing

‘Locally-made programmes’, in relation to an individual local service, are programmes which are made wholly or partly at premises in either:

- a) the area or locality for which the service is provided, or;

- b) an area or locality for which another service is provided, but only where that area or locality falls within a wider area which also includes the area or locality for which the service in question is provided, and which Ofcom has approved for the purposes of permitting the service in question's locally-made programmes to be made there (an "approved area").

Ofcom has approved an area for each licensed local service. These are shown on the map below, and listed in the table which follows it<sup>15</sup>.

Any station may provide its locally-made programmes from the area it is licensed to serve, or from the studios of any other station(s) whose licensed area(s) are also in the approved area (known as 'co-location'). The licensed area(s) from which a station may provide its locally-made programmes are specified in its Format.

A station may ask Ofcom to approve a different area for the purposes of where its locally-made programmes may be originated (i.e. one which includes one or more areas or localities which are not within the approved area specified in the map and table below). As well as needing to be considered in accordance with the statutory Format change process (which may or may not require a consultation), any such request must in any case be published for comment before it can be approved by Ofcom.

A station's Format specifies whether it is permitted to share its locally-made programmes with any other station. As a matter of general policy Ofcom will permit a station to share its locally-made programmes with any other station in its approved area, and our Format change guidance reflects this approach.

A station may also share its locally-made programmes with one or more other stations which are not in its approved area. Any Format change requests seeking such permissions will not be approved as a matter of general policy, but instead will be considered on a case-by-case basis and may be subject to consultation.

Where co-location and/or programme-sharing arrangements are in place, each station should still provide local material relevant to the listeners in their individual licensed areas.

Further guidance on approved areas, co-location and/or programme-sharing can be found in our Format change policy.

~~Ofcom has defined a set of approved areas, based on local affinities, existing transmission areas and station scale/viability considerations within which programmes can still be considered to be locally made. Stations may request changes to their Formats, so as to co-locate and/or share programming with other stations within these approved areas (i.e. with which they share an approved area).~~

~~Further information about approved areas, including a table showing the approved area within which each station is located, can be found at [http://stakeholders.ofcom.org.uk/binaries/consultations/radio/statement/Approved\\_areas\\_annex.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/radio/statement/Approved_areas_annex.pdf)~~

~~Where co-location and/or programme-sharing arrangements are in place, each station should still provide local material relevant to the listeners in their individual licensed areas.~~

~~Stations that do not fall within the same approved area may still apply for co-location and/or programme sharing. Further guidance on approved areas, applying for co-location and/or programme-sharing across approved areas can be found in our Format change policy.~~

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<sup>15</sup> When the revised localness guidelines are published, they will be accompanied by a map and table of approved areas.

### 'Regional' stations and programme sharing

Where certain 'regional' analogue stations, listed below, provide a version of their programme service nationally on DAB, our policy is that they should not generally be required to broadcast local material and locally made programmes. This in effect, allows them to become national DAB stations with partial national coverage on FM. However, because of the importance of nation-specific content in the devolved nations, any regional stations in those nations will still be required to produce nation-specific programming as per the guidelines for local FM stations.

This is an exception to the general approach on local material and locally-made programmes outlined above. It reflects that these 'regional' stations are those which are generally focused on providing an extension of music choice, as well as the required locally made programming and local (regional) material. As a result, they are more apt to be given the flexibility to become like national stations, to create greater competition and choice at the national level, by freeing them from obligations to broadcast local material and locally made programming.

### Regional and Greater London FM stations

Station	Region(s)
Absolute Radio	London, West Midlands.
Capital FM	London, North East England, Central Scotland, Yorkshire.
GEM	East Midlands.
Heart	London, West Midlands, Central Scotland, North East, North West, Yorkshire, South Wales, North & Mid Wales.
LBC	London.
Magic	London.
Nation Radio	South Wales.
Radio X	London.
Sam FM	Solent.
Smooth Radio	London, East Midlands, West Midlands, North East, North West
Wave 105	Solent.

## A2. Proposed new approved areas by licence

A2.1 The following table shows, under our proposals, the individual analogue local commercial radio licences that would be covered by each approved area.

\*Denotes AM station. Since 2010, AM services have been able apply to Ofcom to remove all local content and production requirements from their licences (though not all have done so).

\*\*Denotes a regional or London FM station which has received permission from Ofcom to remove the local content and production requirements from their licence on the basis of providing a national DAB service.

Proposed new approved area	Licence area (and licensee's on-air name)
<b>Central</b> (Number of licences: 40)	Birmingham (Capital FM)
	Birmingham (Free Radio)
	Birmingham* (Free Radio 80s)
	Buxton (High Peak Radio)
	Cheltenham (The Breeze)
	Coventry (Touch FM)
	Coventry & Warwickshire (Free Radio)
	Coventry & Warwickshire* (Free Radio 80s)
	East Midlands (GEM)
	East Midlands (Smooth Radio)
	Gloucester & Cheltenham (Heart)
	Gloucester & Cheltenham* (Smooth Radio)
	Hereford & Worcester (Free Radio)
	Herefordshire & Monmouthshire (Sunshine Radio)
	Hinckley (Fosse 107)
	Kidderminster (Signal 107)
	Leicester (Capital FM)
	Leicester* (Sabras Radio)
	Loughborough (Fosse 107)
Ludlow (Sunshine Radio)	
Mansfield 103 (Mansfield)	

	<p>Macclesfield (Silk FM)</p> <p>Nottingham &amp; Derby (Capital FM)</p> <p>Nottingham &amp; Derby* (Gold)</p> <p>Rugby (Rugby FM)</p> <p>Rutland (Rutland Radio)</p> <p>Shrewsbury &amp; Oswestry (Signal 107)</p> <p>South East Staffordshire (Touch FM)</p> <p>Stoke-on-Trent (Signal 1)</p> <p>Stoke-on-Trent* (Signal 2)</p> <p>Stratford-upon-Avon (Touch FM)</p> <p>Telford (Signal 107)</p> <p>Warwick (Touch FM)</p> <p>West Midlands** (Absolute Radio)</p> <p>West Midlands (Heart)</p> <p>West Midlands* (Radio XL)</p> <p>West Midlands (Smooth Radio)</p> <p>Wolverhampton (Signal 107)</p> <p>Wolverhampton &amp; Shropshire (Free Radio)</p> <p>Wolverhampton &amp; Shropshire* (Free Radio 80s)</p>
<p><b>Channel Islands</b></p> <p>(Number of licences: 2)</p>	<p>Jersey (Channel 103)</p> <p>Guernsey (Island FM)</p>
<p><b>East of England</b></p> <p>(Number of licences: 22)</p>	<p>Cambridge &amp; Ely (Star Radio)</p> <p>Cambridge &amp; Newmarket (Heart)</p> <p>Chelmsford (Radio Essex)</p> <p>Colchester (Heart)</p> <p>East of England** (Kiss)</p> <p>Harlow (Heart)</p> <p>Ipswich (Town 102)</p> <p>Ipswich &amp; Bury St Edmunds (Heart)</p> <p>Ipswich &amp; Bury St Edmunds* (Smooth Radio)</p> <p>Kings Lynn (KL.FM)</p>

	<p>Lowestoft (The Beach)</p> <p>North Norfolk (North Norfolk Radio)</p> <p>Norwich (Radio Norwich)</p> <p>Norwich &amp; Great Yarmouth (Heart)</p> <p>Norwich &amp; Great Yarmouth* (Smooth Radio)</p> <p>Peterborough (Connect FM)</p> <p>Peterborough (Heart)</p> <p>Peterborough* (Smooth Radio)</p> <p>Southend (Radio Essex)</p> <p>Southend &amp; Chelmsford (Heart)</p> <p>Southend &amp; Chelmsford* (Smooth Radio)</p> <p>Tendring (Dream 100)</p>
<p><b>London</b></p> <p>(Number of licences: 21)</p>	<p>Brixton (Capital Xtra)</p> <p>Greater London** (Absolute Radio)</p> <p>Greater London (Capital FM)</p> <p>Greater London* (Gold)</p> <p>Greater London (Heart)</p> <p>Greater London** (Kiss)</p> <p>Greater London (LBC)</p> <p>Greater London (LBC London News)</p> <p>Greater London * (Love Sport)</p> <p>Greater London* (Lyca Radio)</p> <p>Greater London* (Lyca Dil Se)</p> <p>Greater London (Magic)</p> <p>Greater London* (Premier Christian Radio)</p> <p>Greater London** (Radio X)</p> <p>Greater London (Smooth Radio)</p> <p>Greater London* (Sunrise Radio)</p> <p>Havering (Time 107.5)</p> <p>Kingston-upon-Thames (Radio Jackie)</p> <p>North London (Capital Xtra)</p>

	<p>North London (London Greek Radio)</p> <p>North London* (Panjab Radio)</p>
<p><b>Northern Ireland</b></p> <p>(Number of licences: 10)</p>	<p>Ballymena (Q Radio)</p> <p>Belfast* (Downtown Radio)</p> <p>Belfast (Q Radio)</p> <p>Belfast (U105)</p> <p>Coleraine (Q Radio)</p> <p>Londonderry (Q Radio)</p> <p>Mid Ulster (Q Radio)</p> <p>Newry (Q Radio)</p> <p>Northern Ireland (Downtown Radio, Cool FM)</p> <p>Omagh &amp; Enniskillen (Q Radio)</p>
<p><b>North East of England</b></p> <p>(Number of licences: 11)</p>	<p>Darlington (Rathergood Radio)</p> <p>Durham (Rathergood Radio)</p> <p>Northallerton (Minster FM)</p> <p>North East England (Capital FM)</p> <p>North East England (Heart)</p> <p>North East England (Smooth Radio)</p> <p>Sunderland (Sun FM)</p> <p>Teesside (TFM)</p> <p>Teesside* (TFM 2)</p> <p>Tyne &amp; Wear (Metro Radio)</p> <p>Tyne &amp; Wear* (Metro Radio 2)</p>
<p><b>North West of England</b></p> <p>(Number of licences: 29)</p>	<p>Bolton &amp; Bury (Tower FM)</p> <p>Blackburn (2BR)</p> <p>Blackpool (Radio Wave)</p> <p>Burnley &amp; Pendle (2BR)</p> <p>Carlisle (CFM)</p> <p>Chester (Dee 106.3)</p> <p>East Lancashire* (Asian Sound)</p> <p>Kendal &amp; Windermere (Smooth Radio)</p>



	Liverpool (Capital FM)
	Liverpool (Radio City 2)
	Manchester (Capital FM)
	Manchester* (Gold)
	Manchester (Hits Radio)
	Manchester* (Key Radio)
	Manchester ** (Radio X)
	Manchester (XS Manchester)
	Merseyside (Radio City)
	Merseyside (Radio City Talk)
	Morecambe Bay (Heart)
	North West England (Heart)
	North West England (Smooth Radio)
	Oldham (Revolution 96.2)
	Preston & Blackpool (Rock FM)
	Preston & Blackpool (Rock FM 2)
	Preston, Leyland & Chorley (2BR)
	Stockport (Imagine FM)
	Warrington (Wire FM)
	Wigan & St. Helens (Wish FM)
	West Cumbria (CFM)
<b>North of Scotland</b>	Aberdeen (Northsound 1)
(Number of licences: 19)	Aberdeen (Original 106)
	Arbroath & Carnoustie (Radio North Angus)
	Dundee (Wave FM)
	Dundee & Perth (Tay FM)
	Dundee & Perth* (Tay 2)
	Gairloch (Two Lochs Radio)
	Inverness (MFR2)
	Inverness (Moray Firth Radio)
	Inverurie (NECR)

	<p>Kintyre, Islay and Jura (Argyll FM)</p> <p>Oban (Oban FM)</p> <p>Perth (Wave FM)</p> <p>Pitlochry &amp; Aberfeldy (Heartland FM)</p> <p>Shetland Islands (SIBC)</p> <p>Skye and Lochalsh (Cuillin FM)</p> <p>Ullapool (Lochbroom FM)</p> <p>Waves Radio (Peterhead)</p> <p>Western Isles (Isles FM)</p>
<p><b>South of Scotland</b></p> <p>(Number of licences: 16)</p>	<p>Ayr* (West Sound)</p> <p>Ayr (West FM)</p> <p>Borders (Radio Borders)</p> <p>Central Scotland (Capital FM)</p> <p>Central Scotland (Heart)</p> <p>Dumfries &amp; Galloway (Westsound FM)</p> <p>Dumbarton (Your Radio)</p> <p>Glasgow (Clyde 1)</p> <p>Glasgow* (Clyde 2)</p> <p>Glasgow (Smooth Radio)</p> <p>Glasgow &amp; West Central Scotland (Nation Radio)</p> <p>Edinburgh (Forth 1)</p> <p>Edinburgh (Forth 2)</p> <p>Fife (Kingdom FM)</p> <p>Helensburgh (Your Radio)</p> <p>Stirling &amp; Falkirk (Central FM)</p>
<p><b>South of England</b></p> <p>(Number of licences: 40)</p>	<p>Alton &amp; Haslemere (The Breeze)</p> <p>Andover (The Breeze)</p> <p>Ashford (KMFM)</p> <p>Aylesbury (Mix 96)</p> <p>Banbury (Banbury Sound)</p> <p>Basingstoke (The Breeze)</p>

Brighton (Juice 107.2)  
Brighton, Eastbourne & Hastings (Heart)  
Brighton, Eastbourne & Hastings\* (Smooth Radio)  
Burgess Hill & Haywards Heath (More Radio)  
Canterbury (KMFM)  
Chichester, Littlehampton & Bognor Regis (Spirit FM)  
Eastbourne (More Radio)  
Folkestone & Dover (KMFM)  
Hastings (More Radio)  
Hertford (Bob FM)  
Kettering & Corby (Connect FM)  
Luton & Bedford (Heart)  
Luton & Bedford\* (Smooth Radio)  
Maidstone (KMFM)  
Maidstone, Medway & East Kent (Heart)  
Maidstone, Medway & East Kent\* (Smooth Radio)  
Medway (KMFM)  
Milton Keynes (Heart)  
Newbury (The Breeze)  
Northampton (Heart)  
Northampton\* (Smooth Radio)  
Oxford (Jack FM)  
Oxford (Jack FM 2)  
Oxford & Banbury (Heart)  
Reading (The Breeze)  
Reading, Basingstoke & Andover (Heart)  
Reigate & Crawley (Heart)  
St Albans & Watford (Heart)  
Surrey & North East Hampshire (Eagle Radio)  
Surrey & North East Hampshire\* (Premier Christian Radio)

	<p>Thanet (KMFM)</p> <p>Tunbridge Wells &amp; Sevenoaks (KMFM)</p> <p>Winchester (The Breeze)</p> <p>Worthing (More Radio)</p>
<p><b>Wales</b></p> <p>(Number of licences: 16)</p>	<p>Bridgend (Bridge FM)</p> <p>Caernarfon (Capital FM)</p> <p>Cardiff &amp; Newport (Capital FM)</p> <p>Cardiff &amp; Newport* (Smooth Radio)</p> <p>Carmarthenshire (Radio Carmarthenshire)</p> <p>Ceredigion (Radio Ceredigion)</p> <p>North &amp; Mid Wales (Heart)</p> <p>North Wales Coast (Capital FM)</p> <p>Pembrokeshire (Radio Pembrokeshire)</p> <p>South Wales (Heart)</p> <p>South Wales (Nation Radio)</p> <p>Swansea (Swansea Bay Radio)</p> <p>Swansea (Swansea Sound)</p> <p>Swansea (The Wave)</p> <p>Wrexham &amp; Deeside (Capital FM)</p> <p>Wrexham &amp; Deeside* (Smooth Radio)</p>
<p><b>West of England</b></p> <p>(Number of licences: 37)</p>	<p>Barnstaple (Heart)</p> <p>Bath (The Breeze)</p> <p>Bournemouth (Heart)</p> <p>Bournemouth* (Smooth Radio)</p> <p>Bournemouth (Fire Radio)</p> <p>Bridgwater &amp; West Somerset (The Breeze)</p> <p>Bristol (Sam FM)</p> <p>Bristol (The Breeze)</p> <p>Bristol &amp; Bath (Heart)</p> <p>Cornwall (Heart)</p> <p>Cornwall (Pirate FM)</p>

	Exeter (Radio Exe)
	Exeter & Torbay (Heart)
	Isle of Wight (Isle of Wight Radio)
	Plymouth (Heart)
	Plymouth (Radio Plymouth)
	Plymouth* (Smooth Radio)
	Portsmouth (The Breeze)
	Salisbury (Spire FM)
	Severn Estuary (Kiss)
	Shaftesbury (The Breeze)
	Solent (Sam FM)
	Solent (Wave 105)
	Southampton (The Breeze)
	South Hampshire (Heart, Capital FM)
	South Hampshire* (Smooth Radio)
	South Hams (Heart)
	Swindon (Sam FM)
	Swindon & West Wiltshire (Heart)
	Swindon & West Wiltshire* (Smooth Radio)
	Taunton & Yeovil (Heart)
	Torbay (The Breeze)
	Weymouth & Dorchester (Wessex FM)
	Winchester (The Breeze)
	Warminster (The Breeze)
	Weston-super-Mare (The Breeze)
	Yeovil (The Breeze)
<b>Yorkshire</b> (Number of licences: 24)	Barnsley (Dearne FM)
	Bassetlaw (Trax FM)
	Bradford (Sunrise FM)
	Bradford & Huddersfield (Pulse 1)
	Bradford & Huddersfield * (Pulse 2)

	Bridlington (Yorkshire Coast Radio)
	Chesterfield (Peak FM)
	Doncaster (Trax FM)
	Grimsby (Compass FM)
	Harrogate (Stray FM)
	Humberside (Viking FM)
	Humberside (Viking 2)
	Kingston-upon-Hull (KCFM)
	Leeds (Radio Aire)
	Leeds* (Radio Aire 2)
	Lincoln (Lincs FM)
	Rotherham (Rother FM)
	Scarborough (Yorkshire Coast Radio)
	South Yorkshire (Hallam FM)
	South Yorkshire* (Hallam 2)
	South and West Yorkshire (Heart)
	Wakefield (Ridings FM)
	York (Minster FM)
	Yorkshire (Capital FM)

## A3. Responding to this consultation

### How to respond

- A3.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on Friday 3 August 2018.
- A3.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/guidelines-localness-commercial-radio>. You can return this by email or post to the address provided in the response form.
- A3.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [localness@ofcom.org.uk](mailto:localness@ofcom.org.uk), as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>). This email address is for this consultation only, and will not be valid after 3 August 2018.
- A3.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Jon Heasman  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A3.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
  - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A3.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A3.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A3.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A3.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 6. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

- A3.10 If you want to discuss the issues and questions raised in this consultation, please contact Jon Heasman on 020 783 4509, or by email to [jon.heasman@ofcom.org.uk](mailto:jon.heasman@ofcom.org.uk).

## Confidentiality

- A3.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), as soon as we receive them.
- A3.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A3.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

## Next steps

- A3.15 Following this consultation period, Ofcom plans to publish a statement in Autumn 2018.
- A3.16 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

## Ofcom's consultation processes

- A3.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex x.
- A3.18 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A3.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:



**Consultation: Localness on commercial radio**

Steve Gettings  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

## A4. Ofcom's consultation principles

### Ofcom has seven principles that it follows for every public written consultation:

#### Before the consultation

- A4.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. 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

- A4.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A4.3 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 for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A4.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A4.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A4.6 If we are not able to follow any of these seven principles, we will explain why.

#### After the consultation

- A4.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

## A5. Consultation coversheet

### BASIC DETAILS

Consultation title: Localness on commercial radio

To (Ofcom contact): Jon Heasman (Senior Broadcast Licensing Executive)

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? \_\_\_\_\_

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## A6. Consultation questions

**Question 1.** Do you agree that Ofcom’s duty to secure ‘localness’ on local commercial radio stations could be satisfied if stations were able to reduce the amount of locally-made programming they provide? If not, please explain the reasons and/or evidence which support your view.

**Question 2.** Do you agree with our proposed amendments to the localness guidelines relating to locally-made programming? If not, please specify any amendments you think should be made instead (if any), and explain the reasons and/or evidence which support your view.

**Question 3.** Do you agree with our proposed new approved areas? If not, please specify any alternative proposals you think should be considered (if any), and explain the reasons and/or evidence which support your view.

**Question 4.** Do you agree with our proposed amendments to the localness guidelines relating to local material? If not, please specify any amendments you think should be made instead, and explain the reasons and/or evidence which support your view.