
Communicorp radio stations in the East Midlands and Peterborough

Request to create a new approved area

CONSULTATION:

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Closing date for responses: 23 August 2019

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1. Overview

Most local analogue commercial radio stations are required to produce a certain number of hours of locally-made programming. Under legislation passed in 2010, these stations are not only able to broadcast their locally-made hours from within their licence area, but may also broadcast from studios that are based within a wider area approved by Ofcom. These wider areas are known as ‘approved areas’. Stations can share their local hours of programming with other stations located in the same approved area.

In October 2018 Ofcom introduced, following consultation, a new set of larger approved areas in England¹ to give stations more flexibility in their broadcasting arrangements. We also said that we would consider requests from licensees to create new, bespoke, approved areas since the statutory framework allows for an approved area in relation to each local analogue service.

Communicorp UK Limited (“Communicorp”) has submitted a request to create a new approved area for some of its stations in central England and the East Midlands. In relation to the existing areas approved by Ofcom, Communicorp’s proposed new area combines parts of the Central, East of England, South of England and Yorkshire and Lincs approved areas.

What we are consulting on – in brief

Communicorp has asked Ofcom to approve the creation of a new approved area, as yet unnamed, for each of the following FM local radio licences it owns:

- East Midlands (Smooth Radio)
- Kettering, Corby and Wellingborough (Connect FM)
- Peterborough (Connect FM)

We are seeking views on Communicorp’s proposal, before we decide whether or not to approve the requested area. Our preliminary view is that we are minded to approve this request, for the reasons set out in Section 3 of this document.

The consultation closes at **5pm on 23 August 2019**.

¹ The October 2018 statement maintained the previous single approved area for Northern Ireland. In March 2019 a statement was published on the approved areas in Scotland and Wales.

2. Background and approved area request

- 2.1 In relation to any given local commercial radio station, a locally-made programme is defined (in statute) as one which is made at premises in the area the station broadcasts to, or at premises located somewhere else but still within a larger area which includes the station's broadcast area. The latter is called an 'approved area', because it must be approved by Ofcom (after consultation). The concept of approved areas was established in 2010 to give local stations greater flexibility over where they make their programmes – in practice, it has enabled the larger commercial radio groups to rationalise the number of studios they operate, and stations in relatively close geographical proximity to share their locally-made programmes (providing the output can still be considered to be locally-relevant to listeners in each of the individual broadcast areas).
- 2.2 An approved area relates to an individual station, which means that every local station can, in theory, have a different approved area. Historically, Ofcom has taken a mixed approach, whereby we have consulted on and then approved a set of areas such that every station in a defined geographical area of the UK has the same approved area, but also subsequently we have permitted different approved areas for some stations (for example, where two or more stations are located in more than one of the already approved areas) in response to individual requests from licensees.
- 2.3 In August 2018, Ofcom consulted on a new set of approved areas across the UK² which were mostly larger than those set in 2010, on the basis that the findings of our research suggested that the location of presenters was not considered to be as important as the delivery of local material, and that technological developments have made it easier to gather and produce local material without having to be physically located in the local area. We also said that the larger approved areas would give licensees greater freedom to determine where to locate their studios and make their content, and that 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 separate local studios.
- 2.4 The new approved areas were designed to broadly match the ITV regions. This was on the basis that the ITV regions are an already well-established framework for the delivery of sub-UK-wide broadcast programming, familiar to both audiences and advertisers. We approved these areas in our [statement of October 2018](#), and the approved areas for Scotland and Wales were introduced in our [statement of March 2019](#). A map showing the new approved areas for England, Scotland, Wales, Northern Ireland and the Channel Islands can be found at Annex 5.
- 2.5 In both statements, we recognised that some licensees may wish to seek approval of a different approved area for their stations, for reasons including the strategic and commercial interests of the radio groups concerned.

² This did not affect any licences for which a 'bespoke' area had already been agreed.

- 2.6 We said that any licensee who wishes to have a different approved area for its station may submit a request to us to approve the proposed area. In accordance with the statute, any such requests will need to be consulted on before Ofcom can approve them³. We also said that these requests will continue to be considered on a case-by-case basis using the criteria of station size, affinities between the station areas concerned, distance between stations and financial viability, as set out in our current [guidance on the regulation of Format changes](#).

Communicorp's approved area request

- 2.7 In February 2019, we received a request from Communicorp asking that Ofcom designate an approved area (as yet unnamed), as defined below, as an approved area for the purposes of Section 314 of the Communications Act 2003, for the following FM radio licences that it holds:
- East Midlands (Smooth Radio), currently in the Central approved area
 - Kettering, Corby and Wellingborough (Connect FM), currently in the South of England approved area
 - Peterborough (Connect FM), currently in the East of England approved area
- 2.8 Communicorp's request in full is set out at Annex 6, and includes the following map (overleaf) of the proposed new approved area, which covers parts of the Ofcom Central, East of England, South of England and Yorkshire and Lincs approved areas:

³ Under s.314(9) of the Communications Act 2003.

Proposed approved area



- 2.9 Communicorp has also requested changes to the Formats of licences for Connect FM (Peterborough) and Connect FM (Kettering, Corby and Wellingborough) to allow for programme production and programme sharing in this approved area.⁴ If Ofcom approves the new approved area following this consultation, it will also make these Format changes without further consultation.
- 2.10 Likewise, if the approved area is changed following consultation, we would be likely to consent to a request for similar Format changes in relation to the East Midlands (Smooth Radio) licence, provided we are satisfied that the station will continue to meet its licence obligations to provide local material relevant to listeners in its licence area.

⁴ For further details, see Ofcom's concurrent consultations:
Ofcom, 2019. [Connect FM \(Peterborough\) – Request to change Format](#)
Ofcom, 2019. [Connect FM \(Kettering, Corby and Wellingborough\) – Request to change Format](#)

3. Consideration of the request

- 3.1 Annex 6 contains Communicorp's request to create a new approved area. It has not proposed a name for this new area. The request has been made on the basis of section 314 of the Communications Act 2003.
- 3.2 In its request, Communicorp said the new approved area would be appropriate in relation to each of the three licences concerned, based on the proposed area being smaller than the existing areas which have already been approved by Ofcom for the licences (parts of which are incorporated into the new area), and considerations of geographical, infrastructure and business links between the station areas.
- 3.3 Ofcom's preliminary view of Communicorp's request is that we are minded to approve the new area for the three local FM licences listed in Section 2.
- 3.4 Our preliminary view is based upon the fact that:
- The proposed new approved area is smaller geographically and in terms of population than each of the existing approved areas in which the stations are located (as detailed at paragraph 2.7).
 - The areas served by the three stations which would share this proposed new approved area (i.e. the East Midlands; Kettering, Corby & Wellingborough in Northamptonshire; and Peterborough in Cambridgeshire) have geographic links in that they are in adjoining counties with significant transport links.

Consultation question

Do you agree that, for the purposes of where locally-made programming may come from, Ofcom should approve the requested area in relation to the three local licences listed in Section 2 of this document? If you do not agree, please give reasons.

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 23 August 2019.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/communicorp-east-midlands-peterborough-approved-area-request>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to eleonor.simmance@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
Broadcast Licensing Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 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.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 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.
- A1.8 A short response is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the question asked in the consultation document. The question is listed at Annex 4. 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.
- A1.10 If you want to discuss the issues and questions raised in this consultation, please contact Jon Heasman on 020 7783 4509, or by email to jon.heasman@ofcom.org.uk.

Confidentiality

- A1.11 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, as soon as we receive them.
- A1.12 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.
- A1.13 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.
- A1.14 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

- A1.15 Following this consultation period, Ofcom plans to publish a statement in September 2019.
- A1.16 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

- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.18 If you have any comments or suggestions on how we manage our consultations, please email us at 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.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

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

Before the consultation

- A2.1 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

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 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.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 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.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 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.

A3. Consultation coversheet

BASIC DETAILS

Consultation title: Communicorp approved area consultation

To (Ofcom contact): Jon Heasman

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? _____

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)

A4. Consultation question

Do you agree that, for the purposes of where locally-made programming may come from, Ofcom should approve the requested area in relation to the three local licences listed in Section 2 of this document? If you do not agree, please give reasons.

A5. Ofcom approved areas in England, Scotland, Wales and Northern Ireland

The new approved areas for England, Scotland, Wales and Northern Ireland, confirmed by our statements dated 26 October 2018 and 4 March 2019, are shown on the map below.



A6. Communicorp's request to create a new approved area

This annex is published as a separate document.