



Invitation to comment for public
interest test on the completed
acquisition of GMG Radio
Holdings Limited by Global Radio
Limited

Invitation to comment

Publication date: 3rd August 2012

Closing date for submissions: 17th August 2012

Introduction

- 1.1 On 24 June 2012 Global Radio Limited acquired the entire issued share capital of GMG Radio Holdings Limited. On 2nd August 2012 the Secretary of State issued an intervention notice requesting Ofcom to report on the effects of the acquisition on media plurality by 28th September 2012.
- 1.2 On 3rd August 2012 Ofcom published a guidance note on its website¹, setting out the process and timetable for preparing its report on the public interest consideration set out by the Secretary of State.

The public interest consideration

- 1.3 In respect of the acquisition by Global Radio Limited of the entire issued share capital of GMG Radio Holdings Limited, the Secretary of State for Culture, Media, Sport and the Olympics has issued an intervention notice in relation to:

“the need, in relation to every different audience in the United Kingdom or in a particular area or locality of the United Kingdom, for there to be a sufficient plurality of persons with control of the media enterprises serving that audience”²

- 1.4 In considering the public interest, we will be mindful of the relevant statutory framework, whereby Parliament has attached significance to the need for sufficient media plurality in the functioning of a healthy and informed democratic society.
- 1.5 In undertaking an initial investigation of this public interest consideration, and in providing advice and recommendations to the Secretary of State, we will consider the key constituent parts of the public interest issue outlined above. Specifically, we will consider:
 - content types;
 - audiences;
 - media platforms;
 - control of media enterprises; and
 - future developments in the media landscape.
- 1.6 **Content types:** we will consider what are the most relevant content types and genres (for example: UK-wide, nations’ or local news and current affairs) for the public interest consideration.
- 1.7 **Audiences:** we will consider whether specific consumer or citizen groups (defined by location, demographic, socio-economic group or any other relevant criteria) will be affected by the changes to the level of media plurality as a result of the acquisition.
- 1.8 **Media platforms:** We will consider which are the relevant platforms or media enterprises (for example: TV, newspapers, radio, internet, etc.) in reviewing the implications of the acquisition.

¹ <http://stakeholders.ofcom.org.uk/binaries/consultations/gmg-radio-holdings/guidance.pdf>

² Enterprise Act 2002, s.58(2c)(a).

- 1.9 **Control of media enterprises:** in relation to the issue of control, we will consider:
- 1.9.1 Plurality of persons with control of the relevant media enterprises (external ownership and control).
 - 1.9.2 Plurality in the range of information and views made available to audiences, including the level of independence in editorial control or expression within the relevant media enterprises (internal plurality).
- 1.10 **Future developments:** we will consider how future market developments, including the convergence of broadcast, print and internet media, may affect consumers' consumption of relevant media and the current levels of media plurality.
- 1.11 **We are seeking views from** stakeholders on all the issues set out above and any other issues you think we should consider. We also welcome views on the potential future impact of this acquisition on the sufficient plurality of persons with control of the media enterprises in the UK.

Advice and recommendation to the Secretary of State

- 1.12 Overall, Ofcom will consider how the acquisition may affect the level of plurality of persons with control of the media enterprises serving the relevant audiences, taking account of representations and analysis of relevant information.
- 1.13 Given the limited time for Ofcom's initial investigation and report on the effect on the media public interest consideration, we are also interested in third parties' views on potential remedies or mitigations to any public interest concerns identified by third parties. These will be passed to the Secretary of State (and to the Competition Commission in the event of a reference) to help inform his decision.

How to make submissions

- 1.14 Ofcom invites written submissions to be made **by 17th August 2012**. We are seeking responses that provide views, supported by evidence, on the specific questions detailed above, or on other considerations which stakeholders consider relevant.
- 1.15 Please make representations via:
- 1.16 The online web form at <https://stakeholders.ofcom.org.uk/consultations/gmg-radio-holdings/howtorespond/form>
- 1.17 By email - especially for larger submissions, particularly those with supporting charts, tables or other data – to globalgmgpit@ofcom.org.uk, attaching your response in Microsoft Word format, together with a consultation response coversheet.
- 1.18 Responses may alternatively be posted or faxed to the address below, marked with 'Global/GMG public interest test'.

Steve Gettings
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 020 7981 3706

- 1.19 We do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- 1.20 Ofcom strictly observes confidentiality in all aspects of its operations. This applies to material supplied in response to this invitation to comment. We will give the Secretary of State (and the Competition Commission in the event that this acquisition is referred by the Secretary of State) all relevant submissions (including confidential ones) to enable him make his decision. If your submission includes material which is confidential, we will require a full version with confidential information omitted, together with reasons why the submission should be treated as confidential.
- 1.21 Meetings with stakeholders may also be held where appropriate. If you would like to request a meeting with Ofcom to discuss your submission, you should send a request via e-mail to globalgmgpit@ofcom.org.uk explaining why a meeting is required in addition to your written submission. We will consider these requests on an individual basis and as allowed within the timescale set by the Secretary of State.