

# **Formal Response to Ofcom Consultation:**

## **Localness on commercial radio**

### **Proposals to amend guidelines**

**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.

**Answer 1.** No. It is Ofcom's own significant deregulation of the 'localness' of format in 2015 that has led to the quoted decline of local commercial radio listening from 30.3% to 27.4%. The reason behind this is that Ofcom's deregulation has allowed operators to destroy local content when they buy up stations, thereby shedding listeners. Where a station's music content remains the same, some listeners will be retained, but many will be lost to other stations, some to the remaining local stations (which will often only be the BBC in rural areas), and some to national stations (both the BBC and others), hence the deregulation of local radio has also been partly responsible for the national commercial radio listening increase from 10.7% to 17.5%. Two recent examples of the loss of listeners, when a local station is taken over and its character significantly changed, are The Bay & Lakeland Radio.

According to the most recent RAJAR figures, weekly listenership of The Bay has dropped by 5.5% in just a few months. The Bay has been replaced by Global Radio's "Heart" station, and has reduced its local output to the bare minimum required. Because the mix of music on Heart is not completely different to the music The Bay used to play, the loss of listeners can only be due to the loss of local output & popular local presenters. Lakeland Radio, however, which has been replaced by Global Radio's "Smooth" station, has seen listenership decline by a staggering 20% over the same period. In addition to the reduction in local output and the loss of some particularly popular local presenters, this is undoubtedly more pronounced due to the fact that the station's character has been fundamentally changed, and moved to a different genre of music, which is all the same (easy listening), and lacks the variety that Lakeland Radio's format had. Somehow, this fundamental change of character & format was allowed by Ofcom.

Ofcom's stated position to regard a request that is in line with the guidelines favourably, when the guidelines are already too loose, means that such substantial changes of character of service, as those described in the example above, not only can happen, but indeed have happened. Ofcom's proposal to further weaken the requirements & guidelines is a folly that many more will suffer from, all for the aggrandisement of operators like Global Radio, whom appear to merely seek to gain national coverage for their stations via the back door, and equally appear not to care about the populations they are supposed to serve, despite their protestations to the contrary. There are written responses from Ashley Tabor, CEO of Global, to complaints made about the changes to Lakeland Radio, which demonstrate a patronising attitude, and can be produced if desired.

**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.

**Answer 2.** No. As illustrated above, the guidelines need to be strengthened, and made more restrictive, not weakened, and not made more flexible. If Ofcom implements their proposals, they will be presiding over the ultimate death of local radio.

There are two types of larger operator; the first is sensitive to local provision & local interests, and exceeds the minimum requirements, because it's the right thing to do, it's good for the communities in which it operates, and it retains listeners because of its attitude & values. This type of operator will never need stricter regulation and will act considerately in its application of greater freedoms. I suspect that this is the kind of operator that Ofcom believes it is universally dealing with. Sadly, this is not the case.

The second type of operator is insensitive to local provision & local interests, and does the bare minimum that Ofcom require, because they are not interested in the communities they are supposed to serve, and they have other reasons for acquiring local stations. Unfortunately, such operators as these exist, and they are why stricter regulation is needed. It is obviously a matter of opinion, but Global Radio appears to be just such an operator – and appear that they need to be given strict & restrictive rules, in order to protect the services to local communities, and the future of local radio, which they appear to be working hard to get rid of. By contrast, the station for the north & west of Cumbria, CFM, was bought by Bauer – another large operator - yet their experience has been the complete opposite of what the south of Cumbria and the north of Lancashire are suffering under Global. Bauer provide significantly more local programming than the minimum, maintain their local presenters, and maintain their local involvement with the community.

Ofcom's understanding of localness completely misses the point, as has been shown by the questions asked in the surveys taken. The point about localness is that the local station is part of the community. Presenters get out & about and get involved – on air. This is what Lakeland Radio used to do all the time – people knew the presenters by sight. Once Global changed the format and character of the station, all that ended. Under Bauer, CFM still does most of what it used to do, and people still love it.

**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.

**Answer 3.** No. The current Cumbria/Lancashire Ofcom area is already too large geographically, without being made larger still. The argument for lack of cultural affinities, that Ofcom previously applied to the north of Scotland, still applies there, and also applies to the north-west of England; it probably applies to other areas too, like Devon & Cornwall for example. People in Cumbria, which is the second largest county in the country, but with the smallest population, have as little in common with the city-dwellers of Manchester, as they do with those of London. Expanding geographical areas only exacerbates the lack of affinities. Outside of major conurbations, like London & Manchester, Ofcom areas should be by county, which is how most people self-identify. Cumbria being so large and disparate, people even self-identify to smaller areas still, like the Lake District. Ofcom is only looking at the convenience of radio providers, rather than the communities which they are supposed to serve.

**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.

**Answer 4.** No. Add the initially proposed statement to the existing statement, which both have different requirements. Remove the “Enhanced Local News” option, which is only used to reduce & denigrate local content. Do not remove the weekend requirements, as the revised text only specifies local requirements for weekdays. Under “Regional” stations, prohibit regional/national operators from changing the character of any local station they acquire, to that of the regional/national owner. This would prevent the destruction of local radio by regional/national operators, such as has happened in south Cumbria & north Lancashire.

**Final Comments & Conclusion.** If Ofcom proceeds with the proposals it has made, local radio will see an even greater decline, than it already has under the previous disastrous deregulation Ofcom has implemented. Ofcom has allowed the destruction already wrought by some operators, because it has fundamentally failed to understand what should be meant by localness, and what is important about a local service. Ofcom's own reliance on a quantitative survey that doesn't even ask the right questions in the right way, and on a qualitative survey, where the low sample size makes it statistically insignificant, is indicative of this lack of understanding.

Sampling should have been done over different areas – rural & urban – right across the country, with all samples being statistically significant, and results for different communities accounted for, to determine the differences between rural & urban communities, and between different counties. Question sets should have focussed on what localness meant to people, what they appreciated about their local station, does the station participate in the community, whether that station had ever been taken over & what changes occurred if it did, and how those changes were felt about, etcetera.

The Government also demonstrate a similar lack of understanding of what is important about local radio, particularly where rural communities are concerned, being largely city-focussed, and blindly assuming “the market” solves all, which it doesn't, especially in a community-related issue such as this. Hence, such direction as Ofcom receives, and the environmental attitudes it operates in, are not likely be in the interests of communities & listeners, which won't help Ofcom in its understanding.

The other problem that Ofcom have is that RAJAR figures are calculated in such a way that large changes in listenership only materialise over a full rolling year, which means that Ofcom can allow an operator's change, or propose changes like these, without seeing the full impact until the damage is done. The falls in listenership for The Bay & Lakeland Radio will be significantly higher than currently demonstrated, for example, but this won't fully show up until the spring of 2019.

Ofcom has already failed to do its job regarding local radio which, for the avoidance of doubt, is to protect the provision of local commercial FM radio for local communities. Introducing these new proposals will make that failure complete, and the devastating results will only fully show up in the listener numbers some 12 months after the operators implement the new options. Ofcom needs to re-examine why it exists, in terms of local radio, what it understands by localness, and what is important for it to protect & provide, because everything in this consultation clearly demonstrates that Ofcom has lost its way in this regard, and actually doesn't know what it should be safeguarding, retaining & protecting.

Regulations, requirements & guidelines must be strengthened & made more restrictive, along the lines described in this submission, and not relaxed or deregulated in any way. Standards need to be raised, not lowered. This will not negatively impact on those operators who currently provide a significant local service, because they already exceed the minimum requirements but, it will force those operators who currently try to provide the bare minimum, to come up to the higher standards that could then be set by Ofcom, based upon the current best providers.