
Global Radio stations in the west of England

Request to create a new approved area

CONSULTATION:

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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 instead broadcast from studios based elsewhere within a larger area approved by Ofcom. These wider areas are known as ‘approved areas’. Stations can also 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 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.

Following the October statement, Global Radio has submitted a request to create a new approved area for some of its stations in the west of England. In relation to the existing areas approved by Ofcom, Global’s proposed new area combines parts of the West of England and the Central (England) approved areas.

What we are consulting on – in brief

Global Radio has asked Ofcom to approve the creation of a new approved area, which it has called the ‘South West and West Country’, for each of the following FM local radio licences it owns:

- Barnstaple (Heart)
- Bristol & Bath (Heart)
- Cornwall (Heart)
- Exeter & Torbay (Heart)
- Gloucester & Cheltenham (Heart)
- Plymouth (Heart)
- South Hams (Heart)
- Swindon & West Wiltshire (Heart)
- Taunton & Yeovil (Heart)

We are seeking views on Global Radio’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 policy reasons set out in Section 3 of this document.

The consultation closes at **5pm** on **Monday 11 February 2019**.

¹ The October 2018 statement maintained the previous single approved area for Northern Ireland, and there was a further consultation on approved areas in Scotland and Wales.

2. Details and background information

- 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 it first (in 2010) approved a set of areas such that every station in a defined geographical area of the UK had the same approved area², but also subsequently permitted different approved areas for some stations (for example, where two or more stations were 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 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, which both audiences and advertisers have a degree of familiarity with. We approved these areas in our statement of October 2018³. Maps showing the new approved areas for England, Northern Ireland and the Channel Islands, can be found at Annex 5 (following a second consultation process, the new approved areas for Scotland and Wales are yet to be determined).

² The only exceptions to this were Greater London and northern Scotland. Any stations located in these areas would need to ask Ofcom to approve an area on a case-by-case-basis.

³ https://www.ofcom.org.uk/data/assets/pdf_file/0019/124435/statement-further-consultation-localness-commercial-radio.pdf

- 2.5 In the October 2018 statement, 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.
- 2.6 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 them⁴. 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 changes⁵.
- 2.7 In December 2018, we received a request from Global Radio asking that Ofcom designate an approved area which it has labelled as the ‘South West and West Country’, as defined below, as an approved area for the purposes of Section 314 of the Communications Act 2003, for the following FM radio licences:
- Barnstaple (Heart)
 - Bristol & Bath (Heart)
 - Cornwall (Heart)
 - Exeter & Torbay (Heart)
 - Gloucester & Cheltenham (Heart)
 - Plymouth (Heart)
 - South Hams (Heart)
 - Swindon & West Wiltshire (Heart)
 - Taunton & Yeovil (Heart)
- 2.8 Global Radio’s request in full is set out at Annex 6, and includes the following map (overleaf) of the proposed new South West and West Country approved area, which combines parts of the Ofcom West of England approved area with parts of the Ofcom Central (England) approved area:

⁴ Under s.314(9) of the Communications Act 2003.

⁵ https://www.ofcom.org.uk/_data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

Proposed 'South West and West Country' approved area



- 2.9 If the creation of the South West and West Country approved area is approved by Ofcom following this consultation, Global Radio will be able to request a Format change to provide the locally-made programming required in the Formats of each of the nine stations listed in paragraph 2.7 from any location within the South West and West Country area.
- 2.10 In accordance with our published policy, we would also be likely to approve any Format change requests we might receive relating to programme sharing where all the stations involved are located within the same approved area, provided we are satisfied that the stations involved will continue to meet their licence obligations to provide local material relevant to the listeners in their individual licence areas. This would mean that, if the creation of the South West and West Country approved area is approved, Ofcom would be likely to give consent to any programme sharing requests between the licences listed in paragraph 2.7, provided we are satisfied that those stations will continue to meet such obligations.

3. Consideration of the requests

- 3.1 Annex 6 contains Global Radio’s request to create a new approved area called South West and West Country. The request has been made on the basis of section 314 of the Communications Act 2003.
- 3.2 In its request, Global Radio has provided a number of reasons why it believes the South West and West Country approved area would be appropriate in relation to each of the nine licences concerned, based on consistency with Ofcom’s approved area policy, considerations of distances between stations and the affinities between the station areas concerned.
- 3.3 Ofcom’s preliminary view of Global Radio’s request is that we are minded to approve the South West and West Country area for the nine local FM licences listed in Section 2.
- 3.4 Our preliminary view is based upon the fact that:
- While the Gloucester & Cheltenham licence was included in the new Ofcom ‘Central’ approved area, on the basis that it was previously in our ‘South West Midlands’ approved area, we accept Global Radio’s point that Gloucestershire enjoys stronger cultural links with Bristol and the rest of the west country than it does with Birmingham and the Midlands.
 - Travel times by road between Gloucester and Bristol are shorter than between Gloucester and Birmingham.
 - Bristol was historically part of the county of Gloucestershire, and South Gloucestershire was, along with Bristol, formerly part of the county of Avon between 1974 and 1996.
 - In sporting terms, Gloucestershire has a strong rugby tradition which it shares with a number of other towns and cities in the west of England, whereas the Midlands has more of a football tradition.
 - We note that stations located in Ofcom’s former ‘Solent’ approved area have been excluded from Global’s South West and West Country approved area, meaning the new approved area is smaller in population terms than Ofcom’s new West of England approved area.

Consultation question

Do you agree that, for the purposes of where locally-made programming may come from, Ofcom should approve the 'South West and West Country' area in relation to the nine 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 Monday 11 February 2019.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/global-radio-stations-west-of-england>. 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 approved.areas@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 will not be valid after 11 February 2019.
- 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 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.
- A1.9 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 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 February 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: Global Radio ‘South West and West Country’ 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 'South West and West Country' area in relation to the nine local licences listed in Section 2 of this document? If you do not agree, please give reasons.

A5. Ofcom approved areas in England and Northern Ireland

The new approved areas for England and Northern Ireland confirmed by our statement dated 26 October 2018 are shown on the map below. Following a re-consultation process, Ofcom has yet to confirm the new approved areas for Scotland and Wales.



A6. Global Radio's request to create a new approved area ('South West and West Country').

This annex follows on a separate page.



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📧 @global

Neil Stock
Head of Radio & Broadcast Licensing Policy
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

4th December 2018

Dear Neil

South West and West Country Approved Area

I am writing to request that Ofcom designate the South West and West Country area, as defined below, as an approved area for the purposes of Section 314 of the Communications Act 2013 for the following analogue radio licences:-

- Heart Cornwall (AL296)
- Heart Plymouth (AL103)
- Heart Exeter & Torbay (AL032)
- Heart North Devon (AL140)
- Heart South Hams (AL252)
- Heart Bristol & Bath (AL016)
- Heart Somerset (AL128)
- Heart Wiltshire (AL065)
- Heart Gloucestershire (AL030)

This request is being made to give Global alternative options in respect of programme-sharing and co-location to those based on the existing approved areas as set out in Ofcom's Statement on localness on commercial radio published on 26th October.

The South West and West Country area is shown on the attached map and comprises the following areas previously approved by Ofcom in 2009, in addition to the county of Gloucestershire:-

- Wiltshire
- West
- South West



The proposed South West and West Country area is smaller in size in both population and geographic terms than the Ofcom approved area of West of England but includes Gloucestershire and excludes the Solent area.

The South West and West Country area is very similar to a combination of ITV's West and West Country regions. The area is broadly therefore consistent with Ofcom's approach of approved areas matching ITV regions, while taking account of population size relative to other areas.

Gloucestershire was included in the Ofcom approved Central region but enjoys much stronger historical and cultural links with Bristol and the rest of the West Country than with Birmingham and the Midlands.

Gloucester is some 53 miles by road from Birmingham but only 37 miles from Bristol along the M5. Travel times are shorter from the licenced area to Bristol than to Birmingham and economic ties are also stronger.

Bristol is located on the original, historic boundary between Gloucestershire and Somerset and was considered to be part of Gloucestershire before its growth into a major city. South Gloucestershire was, along with Bristol, part of the county of Avon between 1974 and 1996.

From a cultural and sporting perspective, Gloucester boasts a Premier League Rugby Union team and therefore looks more to the rugby-playing towns and counties of the south west than the football-playing towns and cities of the West Midlands.

Yours sincerely



Will Harding



South West and West Country Approved Area

