
Bauer Radio stations in the south and west of England

Request to modify approved areas

CONSULTATION:

Publication Date: 25 September 2020

Closing Date for Responses: 23 October 2020

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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 that are based 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.

Ofcom has approved an area for every local radio licence in the UK, to give stations more flexibility in their broadcasting arrangements. However, a licensee can ask Ofcom to approve a bespoke area, since the statutory framework allows for an approved area in relation to each local analogue service.

What we are consulting on – in brief

Bauer Radio has asked Ofcom to move the Shaftesbury local FM licence from the existing ‘South West England (Bauer)’ approved area into the ‘South of England (Bauer)’ approved area.

This would result in a new approved area for each of 24 FM local radio licences owned by Bauer in the south and west of England.

The proposed new ‘South West England (Bauer)’ area would be approved for the following 11 licences: Bath; Bridgwater & West Somerset; Bristol (x2); Cheltenham; Cornwall; Swindon; Torbay; Warminster; Weston-super-Mare, and; Yeovil.

The proposed new ‘South of England (Bauer)’ area would be approved for the following 13 licences: Alton & Haslemere; Andover; Aylesbury; Basingstoke; Bournemouth; Chichester; Newbury; Reading; Salisbury; Shaftesbury; Solent; Surrey & North East Hampshire, and; Weymouth & Dorchester.

We are seeking views on Bauer Radio’s proposal, before we decide whether or not to approve the changes to the two approved areas. Our preliminary view is that we are minded to approve the request, for the policy reasons set out in Section 3 of this document.

The consultation closes at **5pm** on **23 October 2020**.

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 area¹, 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 (with a few differences) 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 2018](#) (for England, Northern Ireland and the Channel Islands) and, following a second consultation process, in [March 2019](#) (for Scotland and Wales). 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.

¹ The only exceptions to this were Greater London and northern Scotland. Any stations located in these areas needed to ask Ofcom to approve an area on a case-by-case-basis.

2.5 We said that any licensee who wishes to have a different approved area for its stations 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 them². 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](#).

2.6 In August 2020, we received a request from Bauer Radio asking that Ofcom add the Shaftesbury licence to the ‘**South of England (Bauer)**’ approved area, and remove it from the ‘**South West England (Bauer)**’ approved area, for the purposes of Section 314 of the Communications Act 2003. The creation of the current ‘South of England (Bauer)’ approved area was approved by Ofcom a month previously in July 2020, following consultation. If approved by Ofcom, the modified ‘South of England (Bauer)’ approved area would include the following FM radio licences:

- Alton & Haslemere (Greatest Hits Radio)
- Andover (Greatest Hits Radio)
- Aylesbury (Greatest Hits Radio)
- Basingstoke (Greatest Hits Radio)
- Bournemouth (Fire Radio)
- Chichester (Greatest Hits Radio)
- Newbury (Greatest Hits Radio)
- Reading (Greatest Hits Radio)
- Salisbury (Greatest Hits Radio)
- Shaftesbury (Greatest Hits Radio)
- Solent (Wave 105)
- Surrey & North East Hampshire (Greatest Hits Radio)
- Weymouth & Dorchester (Greatest Hits Radio)

2.7 The Shaftesbury licence currently sits within the ‘South West England (Bauer)’ approved area. Under the proposal, the South West England (Bauer) approved area would be slightly reduced in size and would now include the following FM radio licences:

- Bath (Greatest Hits Radio)
- Bridgwater & West Somerset (Greatest Hits Radio)
- Bristol (Sam FM)
- Bristol (Greatest Hits Radio)
- Cheltenham (Greatest Hits Radio)
- Cornwall (Pirate FM)
- Swindon (Greatest Hits Radio)
- Torbay (Greatest Hits Radio)
- Warminster (Greatest Hits Radio)

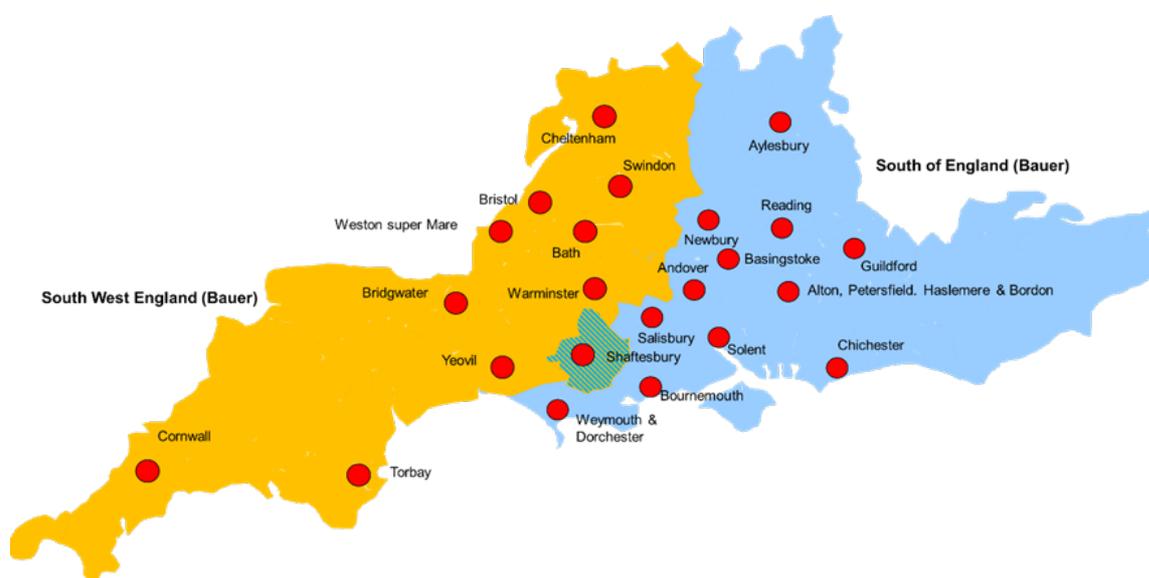
² Under s.314(9) of the Communications Act 2003.

- Weston-super-Mare (Greatest Hits Radio)
- Yeovil (Greatest Hits Radio)

2.8 We also note that, since Bauer’s submission of the request in August 2020, the Shaftesbury licence is now part of Bauer’s ‘Greatest Hits Radio’ network and no longer broadcasts as ‘The Breeze’.

2.9 Bauer Radio’s request in full is set out in Annex 5 and includes the following map of the proposed new South of England (Bauer) and South West England (Bauer) approved areas:

Proposed ‘South of England (Bauer)’ and ‘South West England (Bauer)’ approved areas



2.10 If the modification of the South of England (Bauer) and South West England (Bauer) approved areas are approved by Ofcom following this consultation, Bauer Radio will be able to request – for stations it owns within these areas – a Format change to provide the locally-made programming on those stations from studios located anywhere within the new approved areas.

2.11 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 modification of the South of England (Bauer) and South West England (Bauer) approved areas are approved, Ofcom would be likely to give consent to any programme sharing requests between licences in those areas, provided we are satisfied that those stations will continue to meet such obligations.

3. Consideration of the requests

- 3.1 Annex 5 contains Bauer Radio's request to modify the approved areas called 'South of England (Bauer)' and 'South West England (Bauer)'. The request has been made on the basis of section 314 of the Communications Act 2003.
- 3.2 In its request, Bauer Radio has provided reasons why it believes that the Shaftesbury licence would be better placed in the South of England (Bauer) area, based on listener feedback and the affinities between the station areas concerned.
- 3.3 Ofcom's preliminary view of Bauer Radio's request is that we are minded to **approve** the modification to the South of England (Bauer) and South West England (Bauer) areas.
- 3.4 Our preliminary view is based upon the fact that we accept Bauer's argument that moving the Shaftesbury licence into the South of England (Bauer) approved area would link it with other stations owned by Bauer in the county of Dorset which are likely to have common listener affinities.

Consultation question:

Do you agree that, for the purposes of where locally-made programming may come from, Ofcom should approve the addition of the Shaftesbury licence into the 'South of England (Bauer)' approved area and its removal from the 'South West England (Bauer)' approved area? 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 Friday 23 October 2020**.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/bauer-radio-south-and-west-england>. You can return this by email 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 <mailto: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 is for this consultation only, and will not be valid after 23 October 2020.
- A1.4 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.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 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.
- A1.7 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.
- A1.8 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.
- A1.9 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

- A1.10 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.

- A1.11 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.
- A1.12 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.
- A1.13 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

- A1.14 Following this consultation period, Ofcom plans to publish a statement in June 2020.
- A1.15 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

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 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.
- A1.18 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: Bauer Radio stations in the south and west of England – request to modify an approved area

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)

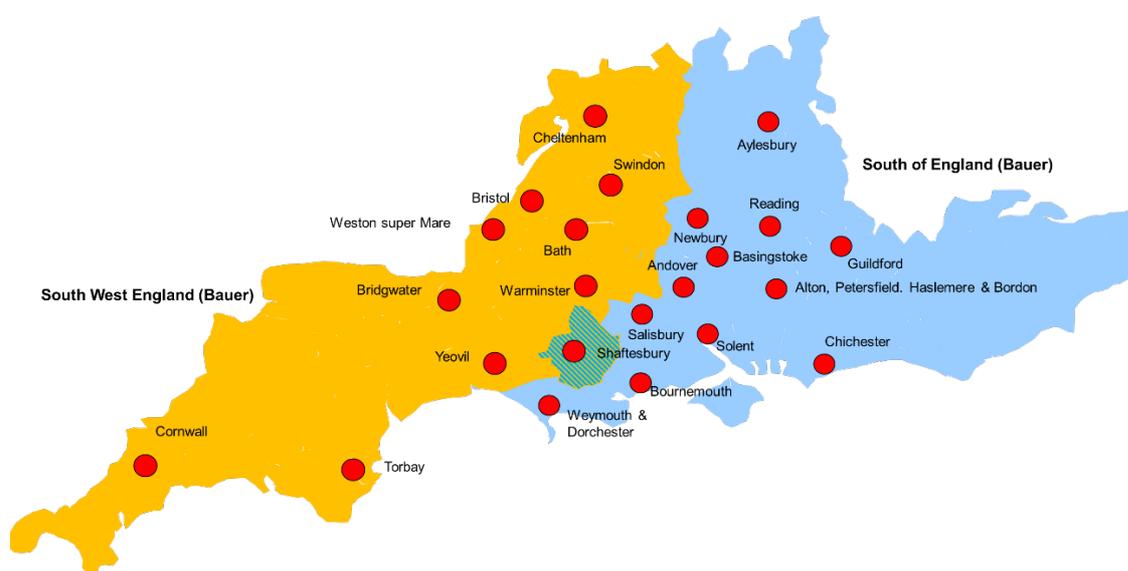
A4. Consultation question

Do you agree that, for the purposes of where locally-made programming may come from, Ofcom should approve the addition of the Shaftesbury licence into the 'South of England (Bauer)' approved area and its removal from the 'South West England (Bauer)' approved area? If you do not agree, please give reasons.

A5. Bauer Radio’s request relating to the south and west of England

Request to change Approved Area - Shaftesbury

Bauer wishes to apply to change the Approved Area for the licence AL100272 covering Shaftesbury & Blandford Forum from the South West England (Bauer amended) Approved Area to the South of England (Bauer amended) Approved Area to respond to listener feedback and align the licence more appropriately with local and regional affinities.



For a number of years the Shaftesbury and Blandford Forum licence has been operated as part of The Breeze station for Somerset, sharing programmes with the licences for Yeovil and Bridgwater & West Somerset. With a population of just 53,710 the licence was deemed too small to operate as a stand-alone service by its then owners.

With Bauer’s acquisition of both Celador and UKRD there are other options for the Shaftesbury licence to share programmes with.

Shaftesbury and Blandford Forum are both within Dorset and have much greater affinity with the rest of Dorset and the South of England region than they do with Somerset and the South West. The Breeze stations along with Wessex FM in Weymouth and Dorchester and Spire FM in Salisbury will become part of the Greatest Hits Radio network from 1 September.

Listener feedback has suggested to us that the Shaftesbury licence should be linked with other stations in Dorset, so that stories and information more relevant to the area can be shared across the county.