

Response to the Ofcom Report on Digital Britain and Radio's Localness

This memorandum is written on behalf of
CBC – Christian Broadcasting Council



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The Christian Broadcasting Council of the United Kingdom (CBC) wishes to give our views regarding Ofcom's report on *Digital Britain* and radio's localness, published in July 2009. We give below our responses to the questions that Ofcom has posed in this consultation.

Proposal 1 – Regional stations allowed to share programming to become national stations

Regional analogue stations (as defined by Ofcom – in figure 12) 26
Due to the specific needs of the nations, regional stations in Scotland and Wales should have to retain their specific nation focus. In Wales, where there are separate regional services for South Wales and North & Mid Wales (not yet launched), these could combine may request to share all their programming. Ofcom may consent to this where those stations provide a version of the shared programme service on a national DAB multiplex. Where they do, our guidelines will be that they should not generally be required to broadcast local material and locally made programmes. Otherwise, such regional analogue stations would be treated as large local FM stations and the relevant rules would be applied [see Proposals 3, 4, 6] to form a national service for Wales, provided that service was carried on either a national DAB multiplex or all local DAB multiplexes in Wales.
This proposal would be implemented by a change to Ofcom's Localness Guidelines.

CBC believes that this proposal would help increase listener choice.

Proposal 2 – Creation of a new national multiplex from existing regional multiplexes

Where any relevant statutory requirements are met, Ofcom should allow the six existing regional multiplexes (plus one of the three London multiplexes) to combine and extend their areas in effect to form a multiplex with national coverage but with the ability to offer regional opt-out programming and advertising, provided we are satisfied that:

- doing so would be calculated to maintain or promote the development of digital sound broadcasting in the UK otherwise than by satellite;
- the licensees' proposed coverage plans are satisfactory;
- the licensees have the ability to maintain the licensed service; and
- there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry);

We would also be likely to expect one of the following criteria to be met, namely that the combination and extension of the multiplexes:

- would promote choice in national radio services, in the interests of listeners; or
- would be conducive to the maintenance or promotion of fair and effective competition in national radio services.

We envisage a short consultation upon receipt of such a request.

We agree with the proposal to combine existing regional multiplexes, including one of the existing three London regional multiplexes, into a new national multiplex with regionalised transmission network.

We would suggest that the regionalised D2 multiplex uses a combination of the frequencies already used by the existing regional multiplexes in Central Scotland (11D), London (Either 11B, 12A or 12C), North East (12C), North West (12C), Severn Estuary (12C), West Midlands (12A) and Yorkshire (12A) plus the frequency originally allocated in July 2007 to D2 (11A) for coverage of England, Isle of Man, Northern Ireland, Scotland and Wales. In addition we suggest that the Channel Islands are included in this multiplex using the frequencies already allocated for Guernsey & Alderney (12A) and Jersey (5C) thus allowing the existing local radio stations (BBC Guernsey, BBC Jersey, Channel 103 and Island FM) to join the DAB Digital Radio world only in their local area.

The existing D1 multiplex has no frequencies allocated for coverage of Northern Ireland, Isle of Man or the Channel Islands. We would suggest that the frequencies already allocated, but not yet advertised for the coverage of Isle of Man (11A or 11D), Northern Ireland (Belfast – 10C, Fermanagh & Tyrone – 11D & Londonderry /Derry – 11C) and the Channel Islands (11C) are used to extend the coverage of the D1 multiplex. This would enable it to have full UK coverage in addition to its two frequencies that cover England and Wales (11D) and Scotland (12A).

These arrangements may mean a reconfiguring of the frequencies used for the existing Northern Ireland multiplex (12D) and the possible transfer of Classic FM (Global Radio) and TalkSport (UTV) to D1 while allowing services such as Gold (Global Radio) and U105 (UTV) to appear on DAB Digital Radio frequencies in Northern Ireland.

We believe that such proposals will allow stations such as JazzFM, that are currently broadcasting on some of the existing regional multiplexes, to extend their coverage across the whole country. It will also enable Christian radio stations such as Premier Christian Radio, who have recently started broadcasting on the Digital One multiplex (D1), to extend their coverage to the whole of the UK if our proposals for the D1 multiplex are also implemented.

Proposal 3 – Co-location within a new set of defined areas

Ofcom will define a set of areas covering the whole UK, as shown on the map3. These proposed areas will deliver the localness listeners value, taking into account existing transmission areas, scale/viability, and local affinities. Within defined areas, stations would be able to request to co-locate (and produce their 'locally made' programmes). Ofcom would be likely to consent to such requests provided we were satisfied that the stations involved would continue to meet their licence obligations to provide local material relevant to listeners in their licensed areas. Outside these areas, we would continue to consider requests for co-location on a case-by case basis using the existing criteria of size, affinities and financial viability.

CBC agrees with this proposal.

Proposal 4 – Programme sharing within the newly defined areas

Within defined areas, stations would be able to request to share all of their programming, effectively allowing them to come together to become larger, more viable stations. Provided any statutory requirements are met, Ofcom would be likely to consent to such requests provided we were satisfied that the stations involved continued to meet their licence obligations to provide material that remains locally relevant to each part of their licensed areas. We envisage short consultations in most cases. Where stations not in the same defined area request to share programming we will continue to consider requests on a case-by-case basis using the existing criteria of size, affinities and financial viability in our localness guidelines (as well as being likely to require that the relevant stations satisfy us that they will continue to meet their local material obligations). We envisage short consultations in most cases.

CBC agrees with this proposal.

Proposal 5 – Mergers of local multiplexes

Within the defined areas, local multiplexes should be allowed to merge, including by sharing frequencies (if possible), and be extended into any un-served localities within the defined area, where Ofcom consider that appropriate. We are likely to do so where:

- we consider each of the following criteria are met;
- the merger and/or extension would be calculated to maintain or promote the development of local digital sound broadcasting otherwise than by satellite;
- the licensees' proposed coverage plans are satisfactory;
- the licensees have the ability to maintain the licensed service; and
- there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry);

One of the following criteria are met, namely that the merger and/or extension:

- would not unacceptably narrow the range of programmes available on local digital sound programme services to those living in the area or locality covered by the multiplexes;
- would be conducive to the maintenance or promotion of fair and effective competition in that area or locality; or
- is supported or demanded to a significant extent by those persons living in that area or locality.

This proposal is a sensible way forward for the local coverage of services using DAB, especially as very localised services will continue on FM from community radio services or small-scale commercial stations.

We suggest that some multiplexes are:

1. Extended to include neighbouring multiplexes such as:
 - Coventry (12D) to include yet to be advertised Stratford (10D)
 - North Yorkshire (10B & 10C) to include Scarborough (12D)
 - Inverness (11B) to include yet to be advertised Highlands & Islands (10D)
2. Extend existing coverage such as:
 - Wolverhampton, Telford & Shrewsbury (11B) to cover southern Shropshire and parts of the Black Country where there is no coverage such as low-lying parts of Wolverhampton
3. Merged where there are a number of stations that appear on both neighbouring multiplexes such as:
 - Birmingham (11C) and Wolverhampton, Telford & Shrewsbury (11B) have these same services – BBC WM (128 kbps), Gold (128 kbps), Sunrise (64 kbps on Birmingham & 80 kbps on Wolverhampton), Traffic Radio (48 kbps) and XFM (128 kbps).

Proposal 6 – An enhanced news option for local FM stations

Any FM station (or FM stations which are currently allowed to share programming) generally should produce locally made programming for either:

1. A minimum of 10 hrs/day during weekday daytimes (including breakfast) and a minimum of 4 hrs/day at weekends during daytime plus local news at peak times, or
2. A minimum of 7 hrs/day during weekday daytimes (including breakfast) and a minimum of 4 hrs/day at weekends during daytime plus local news at least hourly during daytime (weekdays) and weekend peak.

The rules concerning local material within locally made programming would also change: the localness guidance would still apply generally, but we propose some revised guidelines, the key new requirement being that local news should be regularly refreshed and updated (the proposed guidelines are in Section 7). We may allow particular stations to broadcast less local material and locally produced programmes where in exceptional cases particular factors make that appropriate. No licensee would be required to produce more local output than they do currently.

CBC supports this proposal.

Proposal 7 – AM stations

AM stations generally need no longer produce locally made programming or carry local material. But a minimum of 10 hours during weekday daytimes should be produced within the nation where the station is based (unless the station is already required to do less than this).

CBC supports this proposal.

Proposal 8 – Limited redefinition of contemporary music Formats

We do not make a specific proposal, but we welcome views, supported by evidence, as to whether there is a case for a limited redefinition of some music formats as they are applied to local, not regional stations: combining the definitions of “contemporary and chart music” and “adult contemporary” into a single “broad music” definition, to allow stations with these formats greater freedom to respond to audience tastes, focusing regulation more on local content.

The consultant author of this response remembers negotiating an “adult contemporary” music format with the Radio Authority back in the 1990s for a small FM station covering a non-metropolitan area of Yorkshire. It was negotiated in such a way as to allow the station maximum flexibility while differentiating the station’s output from the neighbouring city-based stations, which tended to be much more Top 40 focused. The original daypart music mix included songs from the last four decades plus the occasional pre-1955 nostalgic song and some album tracks. The format has obviously been successful, as the station has consistently obtained high RAJAR figures, due to a combination of playing the tuneful music that the local listeners want to hear together with a highly focused news policy.

We would therefore agree with the proposal for broad music definitions especially as this will allow specialist music stations such as those playing various genres of Christian music (including contemporary Christian, gospel, inspirational and praise n’ worship) or jazz music (including blues, gospel, modern jazz, rhythm n’ blues, soul and traditional jazz) not to have to be so prescriptive in their music formats.

We hope that our comments are of help to Ofcom in the further formulation of their policies with regard to broadcasting.

Yours truly,

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The Christian Broadcasting Council, known as CBC, was founded in 1983:

- ✓ *To stimulate and promote the knowledge of the Christian faith and the propagation of the Gospel of Jesus Christ through the broadcasting media in the United Kingdom.*
- ✓ *To encourage the highest standards of Christian media communication.*
- ✓ *To support and develop the knowledge and standards of all those involved in broadcasting.*
- ✓ *To bring together in fellowship those working in broadcasting and those who support the vision of CBC, under girding and encouraging them in their spiritual lives.*