

Response with specific regard to the Community Radio element of the Ofcom Future of Radio document. (Section 6)

6.1

We agree broadly with the report suggestions that an overall more inclusive view of community benefit without a necessity to “gild the lily” with regard to unfettered promises of social gain – (which may be a reluctant point scoring addition rather than a real desire to engage with social gain on the part of prospective candidates) should be implemented. The rationale to support this proposal contained within the following point by point responses. *Please also additional points at Annex 1*

6.2

We would agree that it might be more prudent and reasonable that prospective licensees present a case for a years’ operation rather than for the duration of the five year period. This recognises the nature of a newly emerging sector with funding only just attaching itself to the value of what community radio delivers and could deliver in the future. It also recognises the harsh reality that many passionate but possibly inexperienced community broadcasters will have to face once in full time operation.

6.3

With regard to serving the tastes and interests of target communities it is worth noting that care must be given not to replicate those aspects of mainstream media that have given rise to the demand for community radio. I.e. save for the most proscriptive of features that might define a group there will be a diversity of taste and interest within any group however large or small. So given an ongoing requirement for accountability we would also recognise that a lighter touch with regard to the current requirements of licensing might be appropriate.

6.4

We believe the broadening of choice is an inherent component of what community radio offers but could be adequately articulated in the context of community benefit/social gain.

6.5

We would concur with the proposition that evidence of support and demand should also be a key feature of the argument contained within community benefit/social gain.

6.6

Given the response to the previous sections (and following sections) we would also concur with Ofcom that social gain or community benefit (as it might become known) is central to defining the nature of community radio and should be retained but amended to include simplified versions of previously separate sections within the application process.

6.7

As proposed at 6.6 “accountability” we agree should also be part of the social gain/community benefit test – we strongly propose that access to opportunity for members of relevant communities with regard to broadcasting is also a central feature of what community radio has to offer. It is currently and should remain a substantially different opportunity to that offered either by the BBC or the Commercial sector.

6.8

Access and training is needs be a required provision to some extent if there is to be a fulfilment of the commitment to provide access to aspirant broadcasters/contributors as contained at 6.7. As a consequence this component may more appropriately be contained with the social gain element of the legislation rather than be a discrete requirement.

We would therefore commend the Ofcom proposals for a simplification of the application process as proposed at 6.98.

6.9

The most functionally draconian aspect of the current Community Radio order, primarily in place as a result of aggressive campaigning from the Commercial Radio lobby (rather paranoid albeit from an area of initial legitimate concern) , is the limit put on specific sources of funding and/or the composition of overall funding for community stations. We believe that the principles that enshrine the functional differences between commercial and community radio are now sufficiently well established to see such current financial restrictions as both an unfair and unnecessary constraint on the community radio sector. The argument for protectionism for commercial operations that feel threatened by the prospect of community stations distinctly different from themselves being a competitive threat is clearly contrary to the interests of the listener both in terms of real choice and the principle of choice. The argument for protectionism in this instance - is an argument dubious both in principle and in practise. Indeed it would be a reasonable observation that the commercial radio sector position, which to be fair may have changed in the interim, is contrary to some of the basic principles that guide the overall position of Ofcom with regard to its legislative mandate.

6.10

We believe volunteer time which is a crucial element of community radio station operation should be valued and as a consequence those giving their time will also be acknowledged as having value.

There have been previous instances of funding regimes, notably with regard to European funding, where there are clearly established tariffs which identify role and value. E.g. Management roles should attract a per hour rate as would technical, presentation and administrative roles. Values associated with comparable activity in the BBC or Commercial sectors might be an appropriate start point for discussion.

Clearly any minimum rate would have at the very least to be in line with the current basic minimum rate currently enshrined in law.

6.11

We believe there are a reasonable level of restrictions for the maintenance of ownership and control within the current arrangements.

6.12

With regard to no more than one license being held by a body corporate we recognise there may be cases under the current arrangements where this may prohibit certain communities from receiving a much in demand service. On a case by case basis given a robust social gain test there should in principle not be a problem in issuing more than one license where coverage is in a different geographic area. Some reservation might be applicable in cases where a national organisations functional leverage might give it an unfair advantage in competing with other as worthy but less resourced applicants, in what may be a highly contested service area. A tendency to replicate pre-existing Commercial or BBC models by the over enthusiastic voluntary sector multi site players should be avoided as it would essentially confront the reason for Community Radio coming into being i.e. those under represented having the opportunity not only to contribute to an unheard voice but also have the opportunity to run and define the shape of such a voice.

6.13

In the context of such a new sector we clearly wish to see the effective collation of data that fully details the benefits of community radio, it is clearly to our advantage that this happen, but like many in the voluntary and to an extent the commercial sector we have to make the appropriate human resources available to undertake such work. It may be worth considering a different approach that involves a closer relationship between Ofcom, or a third party agency, to send officers to assist in the collection of data in the field. Additionally such activity may be mutually beneficial in terms of identifying value through a pro-active and co-operative approach. The reality is that many community stations will be struggling to operate in the initial stages and may not be in a position to really identify their own strengths in delivering social gain. Where an appropriately trained observer with a consistent methodology might be on hand such instances of undersold benefit might be alleviated, with a consequent impact on the possible avenues for funding that might then be pursued by such licensees. Suffice to say this would broadly contribute to the possibility of a better multi source funding environment for all community radio stations.

6.14

We broadly support the suggestion that given appropriate insurances that there will be no material change of service involved in a license extension, which is in any case answerable to Ofcom during the normal course of events, that there should be an opportunity to have a further five year extension, notwithstanding any constraints necessary to facilitate common analogue switch off.

6.15

We would broadly support the proposition that on air advertising and sponsorship be considered separately to provide for a more flexible regime under which the broad church of community stations might operate.

It is worth noting that the concerns of the commercial sector are played out against a contracting market with less revenue than ten years ago with a market that now has twice as many stations. It is fair to characterise the commercial radio sector as being in decline well before any community station had an opportunity to contribute to such a decline. We humbly suggest that the changing nature of multi platform media delivery should be of greater concern to a commercial radio sector, amongst which there are those failing to get to grips with content provision for those audiences demanding audio in a form how, when and where they want.

6.16

Broadly we appreciate the constraints of existing spectrum availability notably in certain geographic areas. We believe that as community radio becomes a greater force in terms of its contribution to society, with regard to those elements already identified and those yet to be identified, there may be a different view of the sector and with it a re-assessment of its relative place in the spectrum scheme of things.

We believe where at all possible a flexible approach should be taken by Ofcom in the constraint placed on a services potential coverage area.

**ANNEX 1 –
Additional and with reference to the issue of digital switchover**

With a partial re-evaluation of the nature of public purpose (4.2) or at the very least in the context of issues raised from 5.134 to 5.142 inclusive.

Community Radio is currently establishing its credentials after a long period in the wilderness, but has the unfortunate prospect of having got its foot in the analogue door only to have little or no firm commitment with regard to a stake in a digital future.

It is worth introducing the notion that switchover might also include, notably in the context of community radio (and yes even small scale commercial operators) an element of migration. The possibility of digital migration due to emerging technologies such as DRM suggests a future where the view of community radio and its offspring may be dramatically different. e.g. SOUND RADIO 1503 AM is the analogue carrier signal for a Sound Radio DRM service. Under such circumstances an auction only environment would not be appropriate to address what has now been acknowledged/identified in legislation, i.e. an essential on going commitment to the fundamental human rights platform and social gain/community benefit driver that is Community Radio. We would

strongly urge this to be a consideration in the current thinking with regard to digital switchover, it would be a tragedy if in, an albeit uncertain, technological future there is no place for, or commitment to the substantial benefits a vibrant community radio/media sector might continue to bestow on society and its citizens.

The case to be made for such development is now in the hands of those currently broadcasting and for those imminently to go to air. We would hope that those in a position of policy making approach such a proposition with an open mind and of course a good heart.

**ANNEX 2-
Additional and with reference to illegal broadcasters and nature of Community Benefit/Social Gain aspiration.**

With a partial re-evaluation of the nature of social gain as at 6.1 and the issues raised by 5.143

With regard to 6.1 this may also go some way to confront the overdue issue of BME/Entrepreneurs/Pirates wishing to legitimise their activities, whether as community radio stations or as stations with an intent to operate as fledgling commercial stations at some point in their developmental future. Although we recognise this presents a dilemma under the current scheme of things as well as a historical inheritance – i.e. historically there has never been an effective route for pirates to progress to legitimate commercial status without having operated illegally on the way. If for some communities there are seemingly insurmountable obstacles to aspire to commercial operation - social gain or community benefit one could legitimately argue should include the functional socio economic development prospects for such groups. In keeping with what would appear to be a currently underachieving commercial sector such groups might indeed provide the opportunity for a much needed shot in the arm both in terms of creative content and emerging markets in the future for a more “open world” commercial sector.

We wish Ofcom all the best in it's efforts to keep everyone happy with regard to the Future of Radio!