



## 96.3 QFM (Paisley)

Request to locate studios outside licensed area

### Consultation

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# Contents

Section	Page
1 Summary	1
2 Background	2
Annex	Page
1 Responding to this consultation	4
2 Ofcom's consultation principles	6
3 Consultation response cover sheet	7
4 Broadcasting Act 1990	9
5 96.3 QFM Station Format	13
6 Maps	14

## Section 1

# Summary

- 1.1 GMG Radio, the operator of Real Radio (Scotland), is seeking to acquire 96.3 QFM, the local commercial radio station for Paisley. However, this would be conditional upon GMG being able to co-locate the station's studios with those of Real Radio, in Baillieston, to the east of Glasgow.
- 1.2 Since Baillieston is outwith QFM's 'licensed area', such a move requires regulatory approval. Ofcom does not consider that the proposed change (as outlined in GMG's submission – available on our website, see paragraph 2.9 below) would substantially alter the character of the QFM service.
- 1.3 However, notwithstanding this, Ofcom considers that this matter is worthy of public debate, and has therefore opted to consult upon it before making a final decision.

## Section 2

# Background

## Statutory considerations

- 2.1 GMG Radio Holdings Ltd. (GMG), the operator of, amongst other stations, Real Radio (Scotland), is seeking to acquire 96.3 QFM, the local commercial radio station for Paisley, from its existing owners UTV Radio (GB) Ltd.
- 2.2 GMG's purchase of QFM is, however, conditional upon it being able to re-locate the station's studios: specifically, it wishes to co-locate them with those of Real Radio (which serves to the whole of Central Scotland) in Baillieston, to the east of Glasgow.
- 2.3 Ofcom has recently relaxed its policy regarding where a local radio station may site its studios: whereas previously the requirement was that studios be located within the station's MCA ('measured coverage area'; a technically-defined area within which radio signals of a certain strength can be received), now the requirement is merely that the studios be located within the relevant 'licensed area' (in this case, Paisley and the surrounding area).
- 2.4 Real Radio's studios in Baillieston are located only a few kilometres outwith QFM's MCA (see attached map; Annex 6). However, since QFM is licensed to serve Paisley rather than Glasgow, Baillieston is not within its 'licensed area'. Consequently, this proposed co-location requires regulatory approval.
- 2.5 In common with all local commercial radio stations, QFM operates to a Format (which forms part of its licence) which includes a requirement that a specified proportion of its programming be made locally (i.e. produced and presented from within the area being served). This would need to be amended so as to allow QFM to produce and present local material *for* the Paisley area *from* Baillieston. Other than in this respect, the Format would not change.
- 2.6 Ofcom has the ability to consent to such changes under conditions included in the QFM licence, in accordance with sections 106 (1A) and (1B) of the Broadcasting Act 1990 as amended (see attached Annex 4) if it is satisfied that:
  - the departure would not substantially alter the character of the service; or
  - the change would not narrow the range of programmes available by way of relevant independent radio services; or
  - the change would be conducive to the maintenance or promotion of fair and effective competition; or
  - there is evidence that, amongst persons living in the affected areas, there is a significant demand for, or significant support for, the change.
- 2.7 It should be noted, however, that, under section 106ZA of the Broadcasting Act 1990 (also attached at Annex 4), Ofcom is required to consult those likely to be affected by the proposed change, if it fails to meet the first of the criteria listed (i.e. if Ofcom considers that the change *would* or *could* substantially alter the character of the service). This requirement to consult is binding, irrespective of whether Ofcom believes that any of the other statutory criteria may be satisfied.

- 2.8 Without prejudice to its final decision on the matter, Ofcom does not consider that the proposed change (as outlined in GMG's submission) would substantially alter the character of the QFM service. Ofcom is therefore of the opinion that it is not under any statutory obligation to consult upon this proposed change.
- 2.9 However, notwithstanding this, Ofcom considers that the matter is one which is worthy of public debate, and has therefore opted to consult on it before making a final decision.

### Ofcom's policy on studio location

- 2.10 Ofcom's policy in respect of studio location is:
- A station's studios should, under normal circumstances, be located within its own 'licensed area'.
  - In exceptional circumstances, consideration will be given to allowing a station to locate its studios outside its licensed area, for example to co-locate with another station.
  - All requests to locate studios outside of the relevant licensed area will be considered on a case-by-case basis.
  - Ofcom reserves the right to consult publicly on whether to permit a station to locate its studios outside its licensed area in order to inform its eventual decision, even if there is no statutory requirement to do so.

### GMG Radio's case for co-location

- 2.11 GMG is of the opinion that co-location would be advantageous and lead to a better service overall for Paisley listeners. Its submission is available on our website (<http://www.ofcom.org.uk/consult/condocs/963qfm/gmgradio.pdf>), but the main points can be summarised as follows:
- Co-location will vastly improve the commercial viability of QFM, which has performed relatively poorly in both audience and revenue terms in recent years.
  - It would provide enhanced opportunities for staff development, because of the synergies with Real Radio.
  - The amount of local (to Paisley) news broadcast each day on QFM would increase, and the station's Format would be amended to reflect this (i.e. the changes would be enshrined).
  - As a regional licensee tasked with covering the whole of Central Scotland, Real Radio has a well-resourced newsroom and significant news resources. Access to these resources can only improve the quality of local news provision on QFM.

### Question for consultation

*Should the re-location of 96.3 QFM to the Baillieston studios of Real Radio (Scotland) be permitted?*

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5.00pm on 27 July 2006**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/963qfm/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 Responses may alternatively be posted to the address below, marked with the title of the consultation.
- Neil Gardner  
Radio Executive, Content & Standards  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA
- A1.4 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.

## Further information

- A1.5 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Neil Gardner on 020 7981 3848, or email [neil.gardner@ofcom.org.uk](mailto:neil.gardner@ofcom.org.uk).

## Confidentiality

- A1.6 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt (when respondents confirm on their response coversheet that this is acceptable).
- A1.7 All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex so that non-confidential parts may be published along with the respondent's identity.
- A1.8 Ofcom reserves its power to disclose any information it receives where this is required to facilitate the carrying out of its statutory functions.

- A1.9 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use in order to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

### Next steps

- A1.10 Following the end of the consultation period, Ofcom intends to publish a statement in due course.
- A1.11 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

### Ofcom's consultation processes

- A1.12 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.13 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.14 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash  
Ofcom  
Sutherland House  
149 St. Vincent Street  
Glasgow G2 5NW

Tel: 0141 229 7401  
Fax: 0141 229 7433

Email [vicki.nash@ofcom.org.uk](mailto:vicki.nash@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 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 to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest.

A2.6 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organizations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

### After the consultation

A2.8 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.



## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed coversheets confidential.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your coversheet only so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing

☐

Name/contact details/job title

☐

Whole response

☐

Organisation

☐

Part of the response

☐

If there is no separate annex, which parts?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. 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)

## Annex 4

## Broadcasting Act 1990

(as amended by sections 312 and 313 of the Communications Act 2003)

Requirements as to character and coverage of national and local services.

**106.**—(1) A national or local licence shall include such conditions as appear to OFCOM to be appropriate for securing that the character of the licensed service, as proposed by the licence holder when making his application, is maintained during the period for which the licence is in force.

(1A) Conditions included in a licence for the purposes of subsection (1) may provide that OFCOM may consent to a departure from the character of the licensed service if, and only if, they are satisfied-

(a) that the departure would not substantially alter the character of the service;

(b) that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living in the area or locality for which the service is licensed to be provided;

(c) that, in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition in that area or locality; or

(d) that, in the case of a local licence, there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure.

(1B) The matters to which OFCOM must have regard in determining for the purposes of this section the character of a service provided under a local licence include, in particular, the selection of spoken material and music in programmes included in the service.

(2) A national or local licence shall include conditions requiring the licence holder to secure that the licensed service serves so much of the area or locality for which it is licensed to be provided as is for the time being reasonably practicable.

(3) A national licence shall include conditions enabling OFCOM, where it appears to them to be reasonably practicable for the licensed service to be provided for any additional area falling outside the minimum area determined by them in accordance with section 98(2), to require the licence holder to provide the licensed service for any such additional area.

(4) Subject to subsection (5), OFCOM may, if they think fit, authorise the holder of a local licence, by means of a variation of his licence to that effect, to provide the licensed service for any additional area or locality adjoining the area or locality for which that service has previously been licensed to be provided.

(5) OFCOM shall only exercise the power conferred on them by subsection (4) if it appears to them—

(a) that to do so would not result in a significant increase of the area or locality for which the service in question is licensed to be provided; or

(b) that the increase that would result is justifiable in the exceptional circumstances of the case.

(6) As soon as practicable after OFCOM have exercised that power in relation to any service, they shall publish, in such manner as they consider appropriate, a notice—

(a) stating that they have exercised that power in relation to that service; and

(b) giving details of the additional area or locality for which that service is licensed to be provided.

(7) In this section ‘relevant independent radio services’ means the following services so far as they are services falling to be regulated under section 245 of the Communications Act 2003—

(a) sound broadcasting services;

(b) radio licensable content services;

(c) additional services;

but, in relation to a departure from the character of a service provided under a local licence, does not include a service that is provided otherwise than wholly or mainly for reception by persons living and working in the area or locality in question.

Consultation about  
change of  
character of local  
services.

**106ZA.**—(1) Before deciding for the purposes of a condition imposed under subsection (1A) of section 106 whether to consent to a departure from the character of a service provided under a local licence on any of the grounds mentioned in paragraphs (b) to (d) of that subsection, OFCOM must publish a notice specifying—

(a) the proposed departure; and

(b) the period in which representations may be made to OFCOM about the proposal.

(2) That period must end not less than 28 days after the date of publication of the notice.

(3) The notice must be published in such manner as appears to OFCOM to be appropriate for bringing it to the attention of the persons who, in OFCOM's opinion, are likely to be affected by the departure.

(4) OFCOM—

(a) are not required to publish a notice under this section, and

(b) may specify a period of less than 28 days in such a notice as the period for representations,

if they consider that the publication of the notice, or allowing a longer period for representations, would result in a delay that would be likely prejudicially to affect the interests of the licence holder.

(5) OFCOM are not required under this section—

(a) to publish any matter that is confidential in accordance with subsection (6) or (7); or

(b) to publish anything that it would not be reasonably practicable to publish without disclosing such a matter.

(6) A matter is confidential under this subsection if—

(a) it relates specifically to the affairs of a particular body; and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that body.

(7) A matter is confidential under this subsection if—

- (a) it relates specifically to the private affairs of an individual; and
- (b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that individual.

## Annex 5

# 96.3 QFM Station Format

## 96.3 QFM

### Format Outline

<b>Station Name</b>	96.3 QFM
<b>Licence Area</b>	Paisley area (as defined in licence advertisement)
<b>Frequency</b>	96.3 MHz
<b>Hours of Broadcast</b>	24 hours a day (at least 18 hrs locally made, 15 on Saturdays)

### Definitions

<b>Speech</b>	excludes advertising, trails, sponsor credits and the like and will be calculated over the period specified.
<b>Music</b>	percentages are calculated as a percentage of the total tracks broadcast in the specified period.
<b>Peak time(s)</b>	refers to weekday breakfast and afternoon drive output, and weekend late breakfast.
<b>Daytime</b>	is 0600 to 1900 weekdays and 0800 to 1400 weekends.
<b>Locally made</b>	refers to output produced and presented from within the licence area and must include peak time.

### Character of Service

**A LOCALLY FOCUSED MUSIC AND INFORMATION STATION FOR THE PAISLEY AREA**

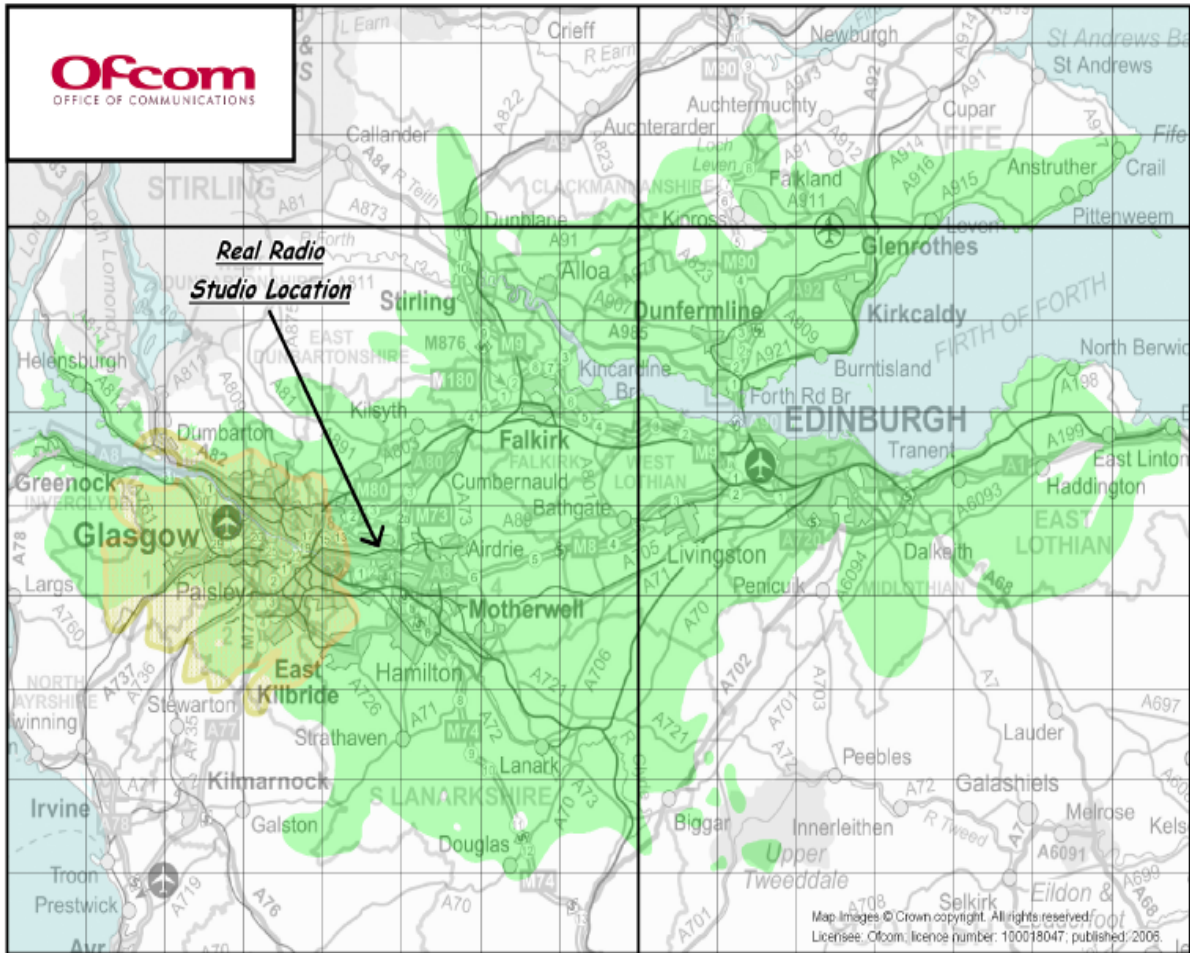
### Detail

Speech and information are important ingredients for the station and will include such content as local news, weather, traffic and travel, what's on details and regular listener participation. Speech will not normally fall below 20% of daytime output. Bulletins with local news will run hourly at least during weekday peaktime, with extended local bulletins at least twice each weekday. National news will feature at other times.

The music is mainly a spread of ex-top 40 hits from the 60s to the present day. Current and re-current tracks will never make up more than 45% of the music output.

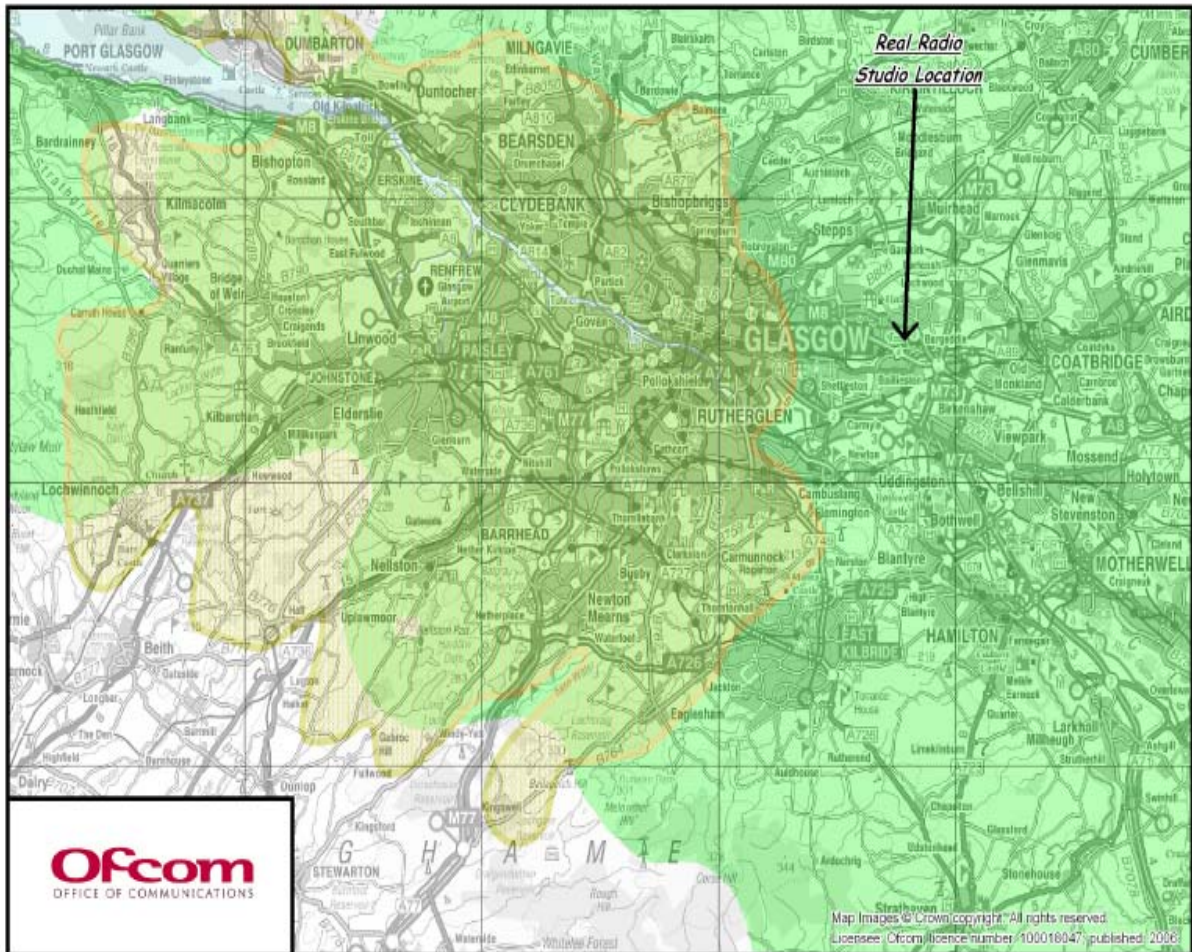
## Annex 6

# Maps



Real Radio MCA also showing Q96 MCA and proposed studio location





Real Radio MCA also showing Q96 MCA and proposed studio location