

Title:

Mr

Forename:

Dominic

Surname:

Small

Representing:

Self

Organisation (if applicable):

What additional details do you want to keep confidential?:

No

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Additional comments:

Those respondents to Ofcom's call for inputs who suggested that Format regulation should be relieved entirely and that market forces should determine radio stations' output should be disregarded. The allowance of a fully deregulated, market-driven radio sector would lead to a suite of generic stations playing the most commercially appealing content and offering too little in range and diversity. If genuine diversity in radio broadcasting is to remain, then Ofcom intervention chiefly by way of identifiable and enforceable Formats continues to be required.

Question 1a: Which of the three options outlined in this consultation document, if any, do you consider would best meet the needs of both listeners and licensees? Please explain the reasons for your view.:

Ofcom's Option 1 - making no change at all - would not be my preference, as there is scope to make some adjustments to the existing regulatory environment.

However, the sweeping simplification of mainstream music formats as proposed by Option 2 is in danger of oversimplifying the market as it would sweep together several different styles of radio - from current hits to soft adult contemporary - meaning stations in this bracket could change their content quite substantially without consultation or challenge. This would not be beneficial to listeners - indeed the current regulatory environment has already allowed a number of stations to move away from their original licenced format to provide a more generic service which does not increase listener choice. Any further weakening of Ofcom's teeth in the regulation of radio formats would allow radio operators more scope to further reduce the diversity of services available.

Option 3, which divides radio services into location-focused and genre-focused services, is my preference of the three proposals as tabled by Ofcom, as it ensures the continued provision of the two key types of radio services - stations providing general-audience services tailored to a given locality, and more specialised services designed to enhance listener choice with additional music genres. However, this only splits stations into 'general music' and 'specialist' licences and doesn't take account of my concerns as noted for Option 2 above.

Question 1b: Do you agree with the simplification of descriptions we propose under Option 2, and classifications we propose under Option 3? If not, please explain the reasons for your view and provide alternative wording.:

As stated above, the suggestion under Option 2 to sweep all mainstream music stations into a single 'mainstream music' format is an oversimplification. There is, scope to simplify the range of musical genres specified in Formats - the long list of mainstream music formats currently in use, as listed in Ofcom's consultation document, does contain a degree of overlap and could, in my view, be whittled down to use a smaller cluster of simpler descriptions, for instance:

'new, current and contemporary hits' would replace 'Top 40', 'Contemporary hit music', 'Current hits', 'New music', 'Chart music', 'Pop'

'adult-oriented contemporary music' would replace 'Mainstream music', 'Adult contemporary' (for non-specialist licences), 'Hot AC', 'Adult Hits', 'Varied Music', 'Adult-oriented pop'

'soft and melodic music' would replace 'Soft Contemporary', 'Soft AC', 'Soft pop', 'Melodic AC'

Hereafter I refer to these three formats as 'expanded mainstream' for simplicity. These bandings would allow stations under these licences to make small and incremental changes to their output without attracting concern, but would require more substantial changes to format to be put before Ofcom.

Question 2: If you think there are other options which would be consistent with the statutory framework, please provide details and explain the reasons for your view.:

My personal preference would be a hybrid: a version of Ofcom's Option 3 containing some elements of Option 2. This would allow a partial relaxation of some elements of music radio regulation, particularly for more general services, whilst enhancing and enforcing more stringent protection of those services which have been specifically licenced to enhance listener choice. This would ensure diversity of output is maintained across the market as a whole.

Under my proposal, stations would be divided into two groups much as under option 3:

- general mainstream services aiming to provide a broad service to a named locality - this would include most 'heritage' ILR stations (e.g. Hallam FM, Heart Kent/Invicta, Free Radio Birmingham), and those stations which are designed to increase choice locally rather than provide a specific musical genre-based service (e.g. The Breeze/Star Bristol, Wish FM, Splash FM).
- specialised stations designed to expand listener choice in areas already served by more general services (e.g. the Heart/ex-Real regional services, ex-Galaxy licences, Kiss, Xfm, Real XS et al).

General mainstream services would largely be licenced using more general language in their Format, such as 'a full-service station for...' or 'a music and speech service for...'; these stations would play either a broad mix of music aimed at a general audience (in line with the 'mainstream popular music' format proposed by Ofcom in Option 2), with the mix of musical genres and eras chosen largely left to the discretion of station operators, subject to compliance with the station's overall Character of Service; or, if in an area already served by one or more generic services, one of my proposed 'expanded mainstream' formats. Stations in the 'general mainstream' format would generally have more freedom to tailor their service and playlist to suit the needs of the local general audience and reflect the competitive environment at local level, and changes to the general output would not normally attract regulatory concern - so for instance the flip of heritage stations to Heart wouldn't require approval provided that Heart continued to provide a music service of broad appeal and to include content of relevance to the locality. Changes that alter the station but remain within the bounds of broad appeal, such as Heart to Capital in north Wales, would also be allowed on stations with a 'general mainstream' Format. Where a station takes an 'expanded mainstream' Format, it would be allowed to make changes within its subformat, but would need permission to move from one of the three subformats to another. Individual stations which have general Formats but with some named specialist requirements, such as to provide programmes which serve the Asian or Afro-Caribbean community in their coverage area, would be dealt with on a case-by-case basis - the removal of identified specialist content from general services would continue to require Ofcom approval as now.

The second group of stations would be those services providing expanded musical choice in areas already receiving more mainstream localised services. These genre-based services would not have as stringent requirements on the provision of local material - though would remain subject to Ofcom's general localness regulations as applied to all stations - but would be more tightly regulated around output to ensure diversity of content and restrict 'format creep'. Stations in this second tier would generally have a named specialist music format - 'adult/classic rock', 'modern/alternative rock', 'adult-contemporary', 'easy listening/melodic', 'electronic/dance/rhythmic', 'jazz/funk/soul/blues', 'country/folk' and so forth - and would be required to be distinct from the more mainstream services. The Format definitions would be broad enough to permit stations to vary their sound slightly to accommodate listener tastes and industry changes whilst remaining within the terms of their licence, but would prevent a

station jumping to another Format, or to a more mainstream sound, without permission. Migrations from specialised to more general Formats - e.g. Galaxy to Capital - would not be permitted unless the station operator could demonstrate that content in keeping with the specialist licence would continue to be provided. A change which completely altered the tone and audience of the station, such as Easy Radio to Kismet, would continue to require extensive Ofcom consultation and approval, as these changes do now. Less substantial movements from one specialist Format to another (e.g. Kerrang! to Planet Rock in Birmingham) would be more likely to be allowed where the operator can prove that overall diversity of choice in the market would be maintained and not diminished. In the event that an operator wants to join services licenced as specialist stations to a network also including more general services, they would need to demonstrate that content in keeping with the specialist licence Formats would continue to broadcast, either on the network as a whole or specifically to those stations requiring it - this may require operators to run multiple network 'streams', and this should be considered part of the onus taken on when a broadcaster acquires a station.

There would also be a 'halfway house' option, where rather than take a more specialised format, a station operating in an area where a general service already exists may take one of my 'expanded mainstream' Formats and be regulated accordingly.

Where there is overlap between stations in an area (for instance, under my proposal both Kiss and Capital Xtra in London would fall under 'electronic/dance/rhythmic'), individual station Formats and Character of Service definitions can be used to require more detailed distinction of service (such as Capital Xtra's current requirement to serve listeners of Afro-Caribbean origin.) In an area where multiple mainstream services coexist (e.g. Heart/Atlantic and Pirate in Cornwall), each would be able to discuss with Ofcom which mainstream music format - general or expanded - they wish to follow.

This proposal would effectively create a simplified, easier to regulate three-tier radio system:

1. General-audience mainstream services targeted at a wide audience in their locality and playing a broad mainstream musical mix largely dictated by local and operator tastes;
2. 'Expanded' mainstream services which also serve a broad audience and exist to widen the range of services available in the given locality;
3. Specialised music format services, largely delineated by musical genre, which exist to broaden the range of music formats played in the given region or area, where music would be more tightly regulated but where localness would be less heavily regulated than on mainstream stations.