

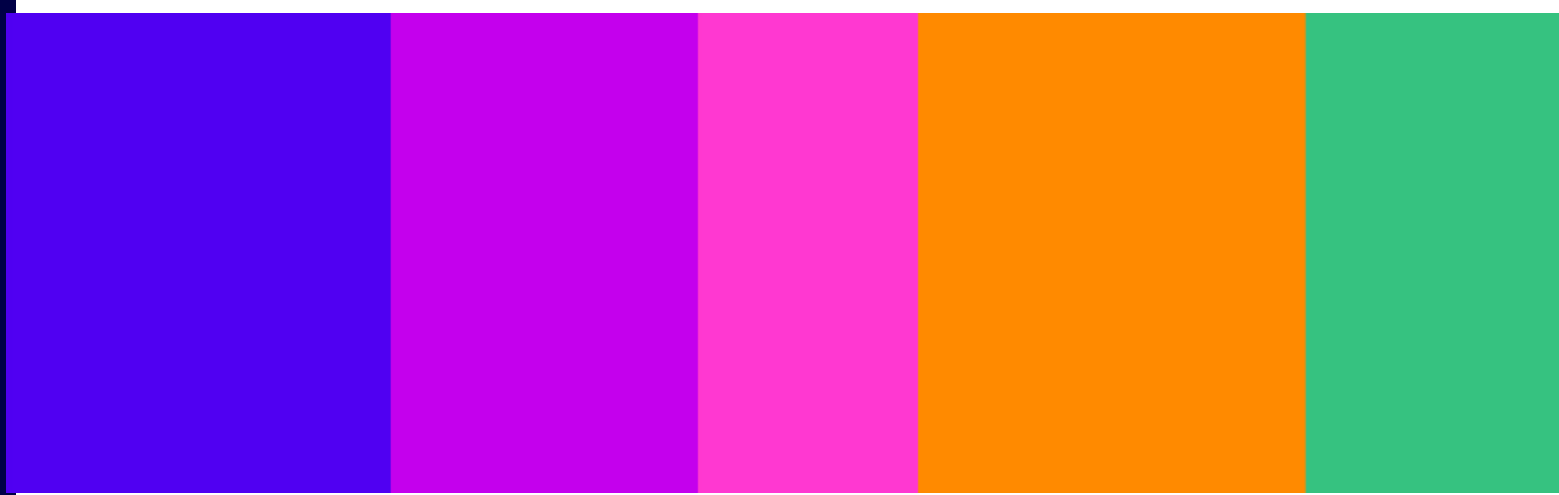
Guidance - Provision of local news & information on analogue commercial radio

Guidance for licensees

[Welsh version available](#)

Guidance

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1. Introduction

Purpose of Guidance

Ofcom is required by section 314(1) of the Communications Act 2003 (“the 2003 Act”) to include such conditions in local sound broadcasting licences as we consider appropriate for:

- a) Requiring the services to include, and regularly broadcast, programmes that consist of or include local news and information, and
- b) Requiring that local news to consist of or include locally gathered news.

It is a condition of local analogue commercial radio stations’ licences that they provide a public file.

Ofcom is also required under section 314(2) of the 2003 Act to publish guidance on how we consider licensees may act consistently those licence conditions, and to have regard to that guidance when carrying out our functions relating to local news and information.

This document sets out our guidance on:

- a) The provision of local news and information;
- b) How licensees might meet the requirement to provide locally-gathered news, including guidance on the relevant multiplex(es) for each local analogue commercial radio licence for the purposes of local news gathering; and
- c) The public file

This Guidance supersedes and replaces Ofcom’s previous guidance on ‘Localness on commercial radio’ and ‘Public file provision for local commercial radio’.

We will have regard to this guidance when considering whether a licensee has met its licence conditions relating to the provision of local news and information, and its public file.

Legislative Framework and Definitions

As required by s.314(1) of the 2003 Act, we have included such conditions as we consider appropriate in licences regarding the broadcasting of local news (including locally-gathered news) and local information. The precise requirements imposed on a licensee and the date at which these requirements come into force are set out in their individual licence and, when considering how this guidance applies to them, licensees should therefore read the guidance in light of, and alongside, their licence conditions.

This document is the guidance Ofcom is required to publish under section 314(6) of the 2003 Act. For the purposes of this document, we refer to ‘a local sound broadcasting licence’ as a ‘local analogue commercial radio licence’ and ‘a local sound broadcasting service’ as ‘a local analogue commercial radio service’.

2. Local news & information

Local news

Where licensees are required to broadcast local news, they should refer to this section of the guidance.

Local news is defined by section 314(7) of the 2003 Act and in each local sound broadcasting licence as *“news which is of particular interest— (a) to persons living or working within the area or locality for which the service is provided; (b) to persons living or working within a part of that area or locality; or (c) to particular communities living or working within that area or locality or a part of it.”*

General local news guidance

Local news should be high-quality, relevant, timely and accurate, and must comply fully with the requirements of the [Broadcasting Code](#). We would expect that local news stories should be up to date and regularly refreshed to reflect new developments in a timely manner. Where news bulletins are pre-recorded, this should not be so far in advance that bulletins cannot take account of new or breaking developments.

Local sports stories and entertainment news may be relevant locally, and there may be occasions when a local sports story is particularly newsworthy. However, local sports stories should not be the main component of the local news content. We consider that local news should be journalism led and ‘softer’ types of news such as sport should not generally be the primary component of local news programming.

Local news should seek to reflect the interests and concerns of listeners living or working in the area. While nations, national and international news may be of interest to those in a licensed area, it is not generally going to be of “particular interest” to those living in that area. Our starting position is therefore that it is not local news, as required by the licence. This is the case even if it is gathered in the licensed area. We recognise however that there may be occasions where nations or national news is of particular interest to those living in the area served by the licensed service (for example, where an incident that is reported in the national news has occurred within the licensed area) and in those circumstances it would be considered to be local news.

As noted above, local news should seek to reflect the interests and concerns of listeners living or working in the area. We recognise that stations which are explicitly targeting a ‘community of interest,’ such as a particular ethnic minority and/or religious audience in that area, may wish to include news material which is characterised by its direct relevance to the ‘community of interest’ more generally. We recognise that licensees may wish to continue providing this material alongside local news. In some cases, where the news is particularly relevant to the ‘community of interest’ in the area served by the licensed service, it may also be considered local news.

Frequency of local news

Where licensees are required to provide local news on an hourly basis during weekdays (except bank holidays) between 6am – 7pm inclusive, we would expect local news to be broadcast every hour. However, this does not mean that the news must be broadcast on the hour. The timing of the local news broadcast is an editorial matter for the licensee but in meeting this condition we would expect the news to be broadcast at least 13 times between 6am and 7pm inclusive.

Some licences set out time ranges within which local news must be broadcast on a minimum of three separate occasions, for example “Local news must be broadcast on the Licensed Service on at least three suitably spaced occasions between 06.00 to 10.00 (inclusive), and at least three suitably spaced occasions between 16.00 to 19.00 (inclusive), on weekdays (except bank holidays)”. We consider that the precise timing of local news broadcasts is an editorial matter for the licensee. There is no requirement that local news be broadcast on an hourly basis in this case or that local news broadcasts need to be spaced evenly across the time period. However, licensees should ensure the local news broadcasts are distinct and are suitably spaced. We would not generally consider three broadcasts in a short space of time e.g. within an hour to be suitably spaced.

We recognise that standalone bulletins are not the only way to broadcast local news. Where a service is broadcasting local content during an hour of programming, it may be able to meet its requirement to broadcast local news in this programming. This is because we recognise that this local content may include local news. The local news needs to meet the relevant statutory definition.

If a service is broadcasting nationally networked content, it would then need to broadcast a local news bulletin to meet its requirement during that time.

During the Christmas period i.e. between Christmas and New Year, we recognise that the way news gathering is operationalised may differ. Nevertheless, licensees should still maintain a journalistic presence that enables them to take account of any locally relevant news developments during these times.

Local relevance of local news

The definition of local news as set out above, refers to news which is of particular interest to certain persons in the “area or locality for which a service is provided” (i.e. in the coverage area of the licensed service). It is open to licensees to share news programming, including local news programming. Ofcom recognises that news may be of ‘particular interest’ to persons in neighbouring coverage areas, for example.

However, where news programming is ‘local’ for the purposes of one licensed service, it does not automatically follow that it is ‘local’ news for other licensed services. This will depend on the extent of any overlap between the population of those different services. Licensees looking to use the same news programming as ‘local news’ in respect of different licensed services (and coverage areas) should consider carefully whether the news is of particular interest to persons in each of those coverage areas.

This means ensuring:

- (i) sufficient editorial consideration is given to each licensed area which receives a particular bulletin, and
- (ii) that the focus of stories is not concentrated in only one of the licensed areas covered by the bulletin.

Locally-gathered news

Where licensees are required to ensure that the local news they broadcast consists of, or includes, locally-gathered news, they should refer to this section of the guidance.

Section 314(7) defines “locally-gathered” news as news gathered:

- a. in the coverage area of a local radio multiplex service that to a significant extent includes the coverage area of the local sound broadcasting service or, where there is no such multiplex, in the coverage area of the licensed service (we refer to this area as the “relevant area”);
- b. by persons who gather news in the course of an employment or business.

What is locally-gathered news

As set out above, locally-gathered news has a specific meaning within the 2003 Act and therefore the licence, and relates to news gathered in the relevant area for that licensed service. It is not a requirement of local commercial radio licences that local news, or any other material, be ‘locally made’ (i.e. that the broadcast programming itself be produced in the relevant area).

During the passage of the Act through Parliament, the discussion referred to locally-gathered news being collected by ‘a professional journalist based in the relevant multiplex area’. Although the final wording of Act does not require that the journalist be ‘based in’ the relevant multiplex area, we consider that the wording ‘gathered in’ combined with the Parliamentary discussion indicates that the intention was that the news should be gathered ‘in’ rather than ‘from’ the relevant area. We therefore interpret ‘gathered in’ to mean the collection of news by somebody who is physically present in the relevant area when collecting the information. For example, if the subject of the news (e.g. an interviewee) is located in the relevant area, but the person gathering the news is elsewhere at the time of gathering the news would not be consistent with the licence condition (and statutory definition). We would consider this to constitute news gathered *from*, rather than *in*, the relevant area as it would be done remotely without requiring a person to be in the area. This will mean there will need to be sufficient journalistic resources based in, or within reach, of the relevant area to provide adequate coverage.

The person who gathers the news does not need to gather the news exclusively in the relevant area nor do they have to be employed by the licensee. This means it is open to licensees to seek arrangements with third parties, as long as licensees are able to satisfy themselves that news gathered in this way meets the statutory definition set out above. The use of volunteers to gather news would not meet the requirement that news be gathered by persons in the course of an employment or business.

Locally gathered news is not by default ‘local news’; to be local news, it needs to be of particular interest to those living/working in the area (as per the definition in the licence and 2003 Act). Conversely not all local news must be locally gathered, so some local stories may be gathered from outside the relevant area.

Relevant area for local news gathering

As set out above, locally-gathered news has a specific meaning and relates to news gathered in the ‘relevant area’ for each licensed service. This means gathered in the coverage area of a local radio multiplex service that to a significant extent includes the coverage area of the licensed service (“a relevant multiplex”) or, where there is not a relevant multiplex, in the coverage area of the licensed service.

It is for licensees to determine in the first instance whether there is a relevant multiplex for their licensed service(s). We expect that, for the majority of licensed services, there will be a relevant

multiplex.¹ When deciding whether there is such a multiplex service, we would expect licensees to consider whether there is a significant degree of overlap (in terms of population) between the coverage area of a multiplex service and the licensed service. It is not a requirement that the multiplex service coverage area includes the entirety of the coverage area of the licensed service. Our [publication on MCA populations and overlaps](#) provides data on the overlaps in population between local multiplex coverage areas and local commercial radio coverage areas.

For most licensees, where there is more than one potential relevant multiplex, we would expect the local radio multiplex selected would be the one with the most significant overlap in population terms with the licensed service. We recognise however that there may be editorial reasons why a licensee considers the local radio multiplex with the greatest population overlap should not be used, for instance where a service is provided to a rural area but the service's coverage overlaps with an urban area with a much higher density population. In cases such as these an alternative local radio multiplex area could be used, provided it meets the statutory requirement - i.e. it includes, to a significant extent, the coverage area of the local sound broadcasting service. In our guidance on 'Renewal procedure for local analogue licences' we provide our view that this means a coverage area which is one with a licensed area that provides actual or potential coverage in digital form to 25% or more of the adult population within the measured coverage area (MCA) of the analogue local licence in question. We consider a similar minimum overlap applies here when considering what is 'significant'.

There are likely to be some licensed services for which there is more than one relevant multiplex; for instance, where the licensed service coverage areas include multiple urban centres which each have a local radio multiplex associated with them. In these cases, the licensee may consider more than one local radio multiplex as relevant.

Local information

Licensees who are required to broadcast local information should refer to this section of the guidance.

Section 314(7) defines local information as *"information which is of particular interest— (a) to persons living or working within the area or locality for which the service is provided; (b) to persons living or working within a part of that area or locality; or (c) to particular communities living or working within that area or locality or a part of it."*

While it is an editorial decision when local information is provided, we would expect that there would be broadcasts of local information at intervals across the day on weekdays and on at least three suitably spaced occasions on weekends and bank holidays between the times set out in the licence. This does not mean all types of local information need to be provided across the day, the type of local information might vary depending on the time of day e.g. traffic alerts might be broadcast more frequently during rush hour. We would expect that local information should be up to date and, where relevant, regularly refreshed to reflect new developments in a timely manner.

We consider that local information can be delivered in a number of ways (e.g. outside broadcasts at local events, what's-ons, travel news, interviews, charity involvement, weather, local arts and culture, local sports coverage, phone-ins, listener interactivity etc.), but that the balance of different elements is for each station to determine for itself.

¹ For those where there is no relevant multiplex service, the relevant area will be the coverage area of the licensed service

The regular provision of up-to-date local information, alongside local news, should give a listener confidence that matters of particular local importance, relevance or interest to the target audience in the area will be broadcast, including at times of crisis (e.g. snow, floods etc.).

Public file

Those licensees who are required to keep a public file should refer to this section of the guidance.

The purpose of the public file is to ensure that local analogue commercial radio licensees are transparent about how they are meeting the requirements in their licences relating to the provision of local news and information.

The public file should set out the licensee's general approach to local news and information. This includes setting out how often it is required to provide news and information under its licence and how it does so. This might include timings of bulletins or the timing of programming that include local news.

The public file should explain the licensee's approach to locally gathered news; this might include how it collects locally gathered news e.g. using locally based journalists or third parties, the type of stories it will locally gather and, if there are particular times when locally gathered news is broadcast.

We would not expect the public file to be updated to reflect *ad hoc* changes, such as one-off additional bulletins or changes in locally gathered arrangements to reflect one-off events. However, where there is a substantive change in the approach to compliance with the local news and information conditions, then the public file should be updated to reflect this to ensure it remains accurate.