

OFCOM SPOT SAMPLING REPORT

Station: GWR FM (Bristol & Bath)

Dates Sampled: Tuesday 03 March, Wednesday 04 March and Thursday 05 March 2009

This Spot Sampling Report was carried out in response to concerns about specific aspects of the station's output.

Spot Sampling Report finding:

This Spot Sampling report arose after Ofcom received complaints that GWR FM is not delivering the music proposition set out in its Format, which is to play 'contemporary and chart' music.

After listening to three days of GWR FM's music output, we found that the overall mix of music being aired by the station was too old for it to be consistent with the Format's Character of Service.

GWR FM is not operating within its Format and a Yellow Card warning has been issued.

GWR FM Character of Service

A LOCALLY ORIENTED CONTEMPORARY AND CHART MUSIC AND INFORMATION STATION FOR UNDER 44s IN THE BRISTOL AND BATH AREA, WITH TARGETED 'SPLIT' PROGRAMMING FOR BRISTOL & BATH AT LEAST DURING WEEKDAY BREAKFAST.

Licensed area	Bristol and Bath area (as in Ofcom advertisement)
Frequency	96.3 and 103 MHz
Service duration	24 hours
Locally-made hours	At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.
Local news bulletins	At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.

Full Spot Sampling Report

This Spot Sampling Report was triggered following complaints to Ofcom that GWR FM is not delivering the music proposition that is set out in its published Format. (Commercial radio Format documents include a description of the output which each licensee is required to provide, based on the promises they made in their original application to win the licence).

GWR FM is the 'heritage' local commercial radio station for the Bristol and Bath areas. Since 2008, it has been owned by Global Radio, following that company's acquisition of GCap Media plc. In common with a number of other local radio stations it owns, Global is planning to rebrand GWR FM as 'Heart' (at the time of writing, this

was scheduled to take place on 23 March). Licensees do not require Ofcom's permission to change the names of their stations, although they do need to inform us. They do, however, require Ofcom's consent to make any changes to a station's published Format, including the 'Character of Service' which provides a general description of the station's output. To date, Ofcom has not received any request from Global Radio to make alterations to the Format of GWR FM (or, indeed, to any of the other stations that will be adopting the 'Heart' branding).

The Character of Service contained in GWR FM's Format requires it to be "a locally orientated contemporary and chart music and information station for under-44s in the Bristol and Bath area." The allegation of the complainants was that, in the process of its metamorphosis into Heart, GWR FM has changed its music policy to make the selection of music tracks significantly 'older' than they had been previously. This, in turn, has implications for competitor commercial radio stations covering the Bristol and Bath areas (one of the main reasons that Formats exist is to ensure diversity of local commercial radio services in every market, catering for different tastes and interests).

The simplification of all radio station Formats that was undertaken by Ofcom at the start of 2008 following 'The Future of Radio' consultation removed precise percentage requirements for each station relating to, for example, music genres and eras, and percentages of speech. This has therefore placed a greater onus upon Ofcom to interpret whether or not a licensee is delivering the 'spirit' of the Format.

In this respect, Ofcom's expectation of a "contemporary and chart station" such as GWR FM is that the main musical diet should be current music, reflecting the UK singles charts of today and recent months. Older, classic tracks are not necessarily out of place in this type of format, but only acting as complementary 'spice' to the main offering.

Ahead of the monitoring, it was our expectation – based on the station's published Format – that at least two-thirds tracks of tracks played by GWR FM would be 'currents' or 'recurrents'. We define these as tracks that are less than two years old, from the date of initial release. We would also expect that that a fair proportion of the music should be new releases or tracks that are currently in the charts (i.e. we would not anticipate the 'contemporary and chart music' broadcast by the station to be comprised exclusively of 'recurrents' that are no longer in the charts).

With regard to music content, in its Yellow Card adjudication of Ocean FM last year, Ofcom stated : *"When interpreting "mainly" with regard to current tracks, Ofcom believes this demand indicates that a listener should hear a current track more often than not when they switch on general (i.e. non-specialist) programming. In this context we do not believe that a bare majority (say 51% current tracks) would be sufficient, and we would expect a significantly higher proportion than this for a station to be operating within the overall spirit of the Format. However, we do not believe it would be right to put figures on this, as every case will differ."*

We studied the music logs, and listened to the output, of GWR FM between Tuesday 03 March and Thursday 05 March, inclusive. Across the three days monitored, we found that 47% of the tracks aired were 'currents' or 'recurrents' (i.e. tracks released within the past two years). These figures exclude the 'Time Tunnel' hour of oldies broadcast each day between 09.00-10.00, which we removed from our overall calculations on the basis that this is a specific and well-established music feature which listeners would recognise as being distinct from the regular output of the station.

Therefore, excluding the 'Time Tunnel' hours, the majority of tracks played by GWR FM across the three days – 53% – were more than two years old (and in most cases considerably older). According to our calculations, the figure did not vary to any significant extent on the different days we monitored (53% of tracks were over two years old on March 04 and March 05, and 54% on March 03). Looking at the figures for daytime hours during which most listening takes place (i.e. 06.00 to 19.00), there were slightly tracks less than two years old being played (averaging 52% across the three days), but this still falls considerably short of the two-thirds majority that Ofcom would expect to hear on a radio station with this type of Format.

We concluded that GWR FM is in clear breach of its Format, and a Yellow Card warning has been issued. If we find that these issues have been addressed when we monitor the station again, after Monday March 23 2009, then the Yellow Card will be lifted. If GWR does not come back within Format within the week we will move to sanctions.

This warning concerns GWR Bristol, but we received similar complaints about a number of Global stations and we advise the licensee to take this finding into account for programming across all its CHR stations. Ofcom has had conversations with the licensee about content on its CHR stations in the past.

NOTE TO BROADCASTERS :

As there have been cases where the Yellow Card has not been effective in immediately bringing a station back within Format, from now on any station found to be out of Format will be immediately considered for sanctions. This could include registering a formal breach (a Yellow Card) or a fine or shortening of licence. Therefore, the Yellow Card will, in future cases, no longer be a simple warning in advance of any possible sanction, but will be part of the sanctions process.

Notes on Content Sampling

Ofcom's Content Sampling Procedure :

In Ofcom's move of emphasis from input regulation towards output regulation, content sampling has become an important regulatory process. Ofcom has already published the methods to be applied when formally listening to local commercial stations to create a content sampling report. These methods and processes are published at <http://www.ofcom.org.uk/radio/ifi/contentssampling/>.

Background Information

Content sampling is a major Ofcom tool in judging the level of station compliance with regard to

- a) Public File*
- b) Localness*
- c) Music*

Content sampling may be carried out as part of an organised process, or may be as the result of a complaint.

Public File

Public File obligations are enshrined within each station's Licence. The Public File and/or station website will, in many cases, not only support the findings of content sampling, but signpost monitors to output that enhances specific aspects of localness and music, whether or not it involves the specific days being monitored.

Localness and Music

Localness guidelines are available on Ofcom's website at www.ofcom.org.uk/radio/ifi/rbl/car/localness/ and station localness and music obligations will vary considerably from Format to Format.