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Spectrum Radio

Request to change Format

Consultation

Publication date:

13 July 2017

Closing date for responses:

10 August 2017

About this document

Ofcom is consulting on whether to approve a Format Change Request from Spectrum Radio Limited ('Spectrum Radio'), which holds an AM commercial radio licence for Greater London, broadcasting as Spectrum Radio.

The station's Format describes the type of programme service which it is required to provide, and forms part of the station's licence.

Spectrum Radio wishes to change the 'Character of Service' of the station's published Format from a service aimed at various different ethnic minority communities in London to an all-speech service for Londoners focussing on "business and finance, sport, entertainment, current affairs and essential information."

We are seeking views on the request. The consultation closes at 5pm on **Thursday 10 August 2017**.

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Section 1

Details and background information

- 1.1 Ofcom has received a Format change request from Spectrum Radio Limited, which holds a local AM commercial radio licence for Greater London, with regard to its service ‘Spectrum Radio’.
- 1.2 Spectrum Radio originally launched in June 1990. The licence has a Measured Coverage Area of 10,433,014 adults (aged 15+).
- 1.3 The current ‘Character of Service’ in Spectrum Radio’s Format, which has been in place since March 2008, is: “*A special speech, news and music station aimed at a minimum of six different, varied ethnic minority communities in London, whose family origins lie outside Britain.*”
- 1.4 Spectrum Radio wishes to change the above ‘Character of Service’ to: “*A broad based 24-hour speech service for Londoners of all backgrounds and origins, focussing on business and finance, sport, entertainment, current affairs and essential information.*” Spectrum Radio is not seeking changes to any other aspects of its Format, such as local production hours. The new service would be called ‘Spectrum Talk.’
- 1.5 Under section 106(1A) of the Broadcasting Act 1990 (as amended), Ofcom may consent to a change of a Format only if it is satisfied that *at least* one of the following five statutory criteria is satisfied:
 - (a) *that the departure would not substantially alter the character of service*
 - (b) *that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided;*
 - (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition*
 - (d) *that 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; or*
 - (e) *that (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).*
- 1.6 Even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria above, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to which Ofcom will have regard when exercising this discretion can be found at:
https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

- 1.7 Spectrum Radio is planning to change its service from one that specifically targets various ethnic minority communities in London with specialist programming (usually broadcast in languages other than English) to a service that is “broad based for Londoners of all backgrounds and origins.”
- 1.8 The proposed change would also mean the station moving away from a mix of speech and music to an all-speech format, “focussing on business and finance, sport, entertainment, current affairs and essential information.”
- 1.9 These changes significantly affect both Spectrum Radio’s target audience and the nature of its programming, and as such require a total rewording of its published Character of Service. Consequently, we do not consider that the request meets criterion (a) – that the departure would not substantially alter the character of service. In addition, criterion (e), which relates to co-location requests, is not relevant to this request. In accordance with section 106ZA of the Broadcasting Act 1990, we are therefore consulting on the request.
- 1.10 When considering whether criterion (b) is satisfied (the change would not narrow the range of programmes available in the area by way of relevant independent radio services), neither local DAB services nor BBC services ‘count’ as relevant independent radio services. The relevant independent radio services are those local analogue commercial and community stations which operate across or within Greater London, which are listed in Annex 6.
- 1.11 Annex 4 contains the Format change request submitted by Spectrum Radio, in which arguments are made that the proposed change would be conducive to the maintenance or promotion of fair competition in the London radio analogue radio market, and that therefore criterion (c) is satisfied.
- 1.12 We are seeking views on the request, having particular regard to the Format change criteria set out in Section 106(1A) (b) to (d) of the Broadcasting Act 1990 (as amended), as set out above.

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by **5pm on Thursday 07 August 2017**.
- A1.2 We strongly prefer to receive responses via the online form at <https://www.ofcom.org.uk/consultations-and-statements/category-3/spectrum-radio-request-to-change-format/>. We also provide a cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>) for responses sent by email or post; please fill this in, as it helps us to maintain your confidentiality, and speeds up our work. You do not need to do this if you respond using the online form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to jon.heasman@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation.
- Broadcast Licensing (5th floor)
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.6 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.7 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 3. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.8 If you want to discuss the issues and questions raised in this consultation, please contact Jon Heasman on 020 7783 4509, or by email to jon.heasman@ofcom.org.uk

Confidentiality

- A1.9 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in

the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, www.ofcom.org.uk, as soon as we receive them.

- A1.10 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.11 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.12 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

Next steps

- A1.13 Following this consultation period, Ofcom plans to publish a statement.
- A1.14 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

Ofcom's consultation processes

- A1.15 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.16 If you have any comments or suggestions on how we manage our consultations, please call our consultation helpdesk on 020 7981 3003 or email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:

Steve Gettings
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601
Email steve.gettings@ofcom.org.uk

Annex 2

Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. 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

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 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 for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Spectrum Radio

To (Ofcom contact): Jon Heasman

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing Name/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. 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 3

Consultation question

- A3.1 Ofcom is seeking views on this Format Change Request. In this case any decision by Ofcom, can only be taken having particular regard to three statutory criteria (Section 106 (1A) (b) (c) and/or (d) of the Broadcasting Act 1990 (as amended).
- A3.2 These criteria are set out on page 2 of this consultation document. Ofcom may consent to a change of a Format only if it is satisfied in relation to at least one of the statutory criteria.
- A3.3 Respondents are requested to frame their views and responses with reference to, or in the context of, these three statutory criteria.

Consultation question: Should Spectrum Radio Limited be permitted to make its proposed change to the Format of Spectrum Radio?

Annex 4

Format change request from Spectrum Radio

Date of request:	May 2017
Station Name:	SPECTRUM RADIO
Licensed area and licence number:	AL 050-2
Licensee:	SPECTRUM RADIO LTD
Contact name:	TOBY ALRICH

Details of requested change to Format

Character of Service <i>Complete this section if you are requesting a change to this part of your Format</i>	Existing Character of Service: A SPECIAL SPEECH, NEWS AND MUSIC STATION AIMED AT A MINIMUM OF SIX DIFFERENT, VARIED ETHNIC MINORITY COMMUNITIES IN LONDON, WHOSE FAMILY ORIGINS LIE OUTSIDE BRITAIN.
	Proposed new Character of Service: A BROAD BASED 24 HOUR SPEECH SERVICE FOR LONDONERS OF ALL BACKGROUNDS AND ORIGINS, FOCUSSED ON BUSINESS AND FINANCE, SPORT, ENTERTAINMENT, CURRENT AFFAIRS AND ESSENTIAL INFORMATION.
Programme sharing and/or co-location arrangements <i>Complete this section if you are requesting a change to this part of your Format</i>	Current arrangements: NO ARRANGEMENTS
	Proposed new arrangements: NO ARRANGEMENTS
Locally-made hours and/or local news bulletins <i>Complete this section if you are requesting a change to this part of your Format</i>	Current obligations: Locally-made hours: At least 4 hours a day during daytime weekday and weekends. (In all, at least ten hours of weekday daytime programming should be broadcast from within the station's nation) Local News: As appropriate
	Proposed new obligations: No change.

The holder of an analogue local commercial radio licence may apply to Ofcom to have the station's Format amended. Any application should be made using the layout shown on this form, and should be in accordance with Ofcom's published procedures for Format changes (available on our website at <http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>)

Under section 106(1A) of the Broadcasting Act 1990 (as amended), Ofcom may consent to a change of a Format only if it is satisfied that *at least* one of the following five statutory criteria is 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 the area or locality for which the service is licensed to be provided;*
- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition*
- (d) *that 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; or*
- (e) *that (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).*

Only one of these five criteria need be satisfied in order for Ofcom to consent to the proposed change. However, even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to which Ofcom will have regard when exercising this discretion can be found at:

<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>)

Applicants should note that, under section 106ZA of the same Act (as amended), a proposed change that *does not* satisfy the first or last of these criteria (i.e. a change that Ofcom considers *would* or *could* substantially alter the character of the service, or does not relate to the origin of locally-made programmes) must, if it is to be considered further under any of the other three criteria, be consulted upon. #.

In the event that Ofcom receives a request for Format change and considers that criterion (a) or (e) is *not* satisfied, it will seek confirmation from the applicant as to whether it wishes to proceed with the request (and, if so, whether it wishes to amend or replace its submission in light of the necessity to make it public).

Please set out the statutory criterion, or criteria, set out in section 106(1A) of the Broadcasting Act 1990 that you believe is/are satisfied in relation to this Format change request, and the reasons for this:

- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition*

The departure will produce a speech format that differs from other talk services. The revised format will feature a cross section of the components that define other speech services. Rather than focussing on particular elements (such as rolling news or sport) this will be a broader offering including a wide variety of speech components such as business and finance, sport, entertainment news and current affairs.

It will have wide appeal because of its inclusive speech content and, as such, it will both maintain and promote competition. Moreover, our unique pedigree enables us to produce a speech service for all Londoners irrespective of origin and ethnicity. The tone of voice and the conversation will be cognisant of all communities and cultures in the world's most diverse city.

Please provide any additional information and/or evidence in support of the proposed change(s) below. In particular, the applicant may wish to outline how they see that the proposed change fits within Ofcom's published Format change request policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>) and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>).

The next iteration of Spectrum Radio, which we call *Spectrum Talk*, comes in response to changing patterns of consumption by radio listeners.

More and more our traditional role as a conduit for ethnic programming is being overtaken by technological change and greater listener choice. From community radio to hyperlocal services to internet radio London's radio market place is thriving.

From Tamil to Polish and Bangladeshi to Russian there now exists a vibrant offering of 24 hour ethnic services

We celebrate this explosion of choice and approach to the diversity of genres and formats and feel our history and expertise as radio operators will allow us to produce an exciting speech based format talking to all Londoners. The role of AM radio is changing and it has proven itself to be fertile ground for talk radio. We feel we are uniquely positioned to make a significant addition to that conversation

Notes

Ofcom may approve a change under any of criteria (b) to (d) without consultation, or after a consultation of less than 28 days, if Ofcom considers that to hold a consultation at all, or for 28 days or more, would result in a delay that would be likely to prejudice the interests of the licensee. Ofcom may also remove for the purposes of consultation any confidential information submitted by the licensee.

Annex 5

Existing Format of Spectrum Radio

SPECTRUM RADIO

Licence number	AL000050
Licence area	Greater London
MCA population	10,433,014
Frequency	558 kHz

Character of Service

A SPECIAL SPEECH, NEWS AND MUSIC STATION AIMED AT A MINIMUM OF SIX DIFFERENT*, VARIED ETHNIC MINORITY COMMUNITIES IN LONDON, WHOSE FAMILY ORIGINS LIE OUTSIDE BRITAIN.	
Service duration	24 hours
Locally-made programming	Studio location: Locally-made programming must be produced within the licensed area.
	Locally-made hours: At least 4 hours per day during daytime weekday and weekends. (In all, at least 10 hours of weekday daytime programming should be broadcast from within the station's nation).
	Programme sharing: No Arrangements.
Local news	As appropriate.

Definitions

Speech	Excludes advertising, programme/promotional trails & sponsor credits
Peak-time	Weekday breakfast and drive-time, and weekend late breakfast
Daytime	06.00 to 19.00 weekdays and weekends
*	No more than 10 out of any 24 hours should be Asian-based programming (and two of those should be a special out-of-daytime programme for Sikhs). For the purposes of Format regulation, Asian-based programming is defined as programming for communities from the Indian sub-continent.

Notes

This Format should be read in conjunction with Ofcom's published Localness Guidelines

Last amended: March 2008

Annex 6

Other commercial and community radio stations in Greater London

Analogue commercial radio stations

Absolute Radio (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000173ba2absoluteradio.htm>

Capital FM (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000067ba2capitalfm.htm>

Capital Xtra (Brixton FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000041ba4capitalxtra.htm>

Capital Xtra (North London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000255ba4capitalxtra.htm>

Gold (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000066ba2gold.htm>

Heart (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000174ba2heart.htm>

Kiss (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000053ba2kiss.htm>

LBC (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000008ba2lbc973.htm>

LBC London News (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000007ba3lbcclondonnews.htm>

London Greek Radio (North London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100200ba1londongreekradio.htm>

Lyca Dil Se (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000160ba5lycadilse1035.htm>

Lyca Radio (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000156ba6lycaradio1458.htm>

Magic (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000051ba1magic1054.htm>

Panjab Radio (North London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000172ba6panjabradio.htm>

Premier Christian Radio (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000176ba1premierchristianradio.htm>

Radio Jackie (Kingston-upon-Thames FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100669ba1radiojackie.htm>

Radio X (Greater London)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000196ba5radiox.htm>

Smooth Radio (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000039ba4smoothradio.htm>

Sunrise Radio (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100581ba1sunriseradio.htm>

Time 107.5 (Havering FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100803ba1time1075.htm>

Analogue community radio stations

Betar Bangla Radio (Stratford AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000222ba2betarbanglaradio.htm>

Desi Radio (Southall AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000061ba2desiradio.htm>

Hayes FM (Hayes FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000073ba2hayesfm.htm>

NuSound Radio (Newham FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000069ba2nusoundradio.htm>

Reprezent FM (South London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000224ba2reprezent1073fm.htm>

Resonance FM (Central London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000060ba3resonancefm.htm>

Rinse FM (Inner London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000225ba2rinsefm.htm>

The Beat London (Stonebridge & Harlesden FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000068ba3thebeatlondon1036fm.htm>

Westside 89.6 FM (Southall)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000072ba2westside896fm.htm>

The following community radio licences in London were awarded in May 2017, but are not yet on air:

Flex FM (Merton, Wandsworth, Sutton, Croydon & Kingston FM)

Maritime Radio (Greenwich FM)

Nomad Radio (Hammersmith & Fulham FM)

Radio Minhaj (Newham AM)

Further details of these services can be found at:

<https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/ofcom-awards-four-new-community-radio-licences>