

Statement on Sam FM (Solent) Format Change Request

29 January 2016

A request from Celador Radio Limited, the holder of an FM local commercial radio licence for the Solent area, to change the Format of Sam FM was considered by Ofcom on 18 January 2016. Ofcom approved the change.

The existing Character of Service (as set out in Sam FM's published Format document) is:

A CLASSIC AND CONTEMPORARY ROCK STATION FOR LISTENERS OVER 40 IN THE SOLENT REGION

The new Character of Service proposed was:

AN ADULT ALTERNATIVE STATION PLAYING ADULT-ORIENTED ALBUM TRACKS, CLASSIC ROCK AND PREDOMINANTLY NON-CONTEMPORARY POP/ROCK HITS, WITH PARTICULAR APPEAL FOR 35-59 YEAR OLDS

Ofcom may consent to a departure from the character of the licensed service (a "Format change") in accordance with section 106 (1A) of the Broadcasting Act 1990 only if it is satisfied in relation to at least one of the following criteria:

- a. The Format change would not substantially alter the character of the service (section 106(1A)(a));
- b. The Format change would not narrow the range of programmes available in the area by way of relevant independent radio services (section 106(1A)(b));
- c. The Format change would be conducive to the maintenance or promotion of fair and effective competition in that area (section 106(1A)(c)); or
- d. There is evidence that, amongst persons living in the affected areas, there is a significant demand for, or significant support for, the Format change (section 106(1A)(d));
- e. That the change would result from programmes in the licensed service ceasing to be made at premises in the area, but those programmes would continue to be made wholly or partly at premises within an area approved by Ofcom (section 106(1A)(e)).

Under section 106ZA of the Broadcasting Act 1990, a change that is not considered by Ofcom to 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.

On the basis that the request entailed a complete re-writing of the Character of Service description and was not related to the origin of locally-made programming, Ofcom was not satisfied in relation to either subsection (a) or (e) above and therefore consulted on the request. The consultation ran for four weeks until 25 November 2015. No responses were received.

The consultation document may be found at: http://stakeholders.ofcom.org.uk/consultations/sam_fm_format_change/

Even if Ofcom is satisfied that the proposed change would meet one of the statutory criteria, Ofcom still has discretion as to whether to agree to the change. Ofcom has published guidance about how it generally expects to exercise its discretion. This guidance contains the following criteria:

- The extent of the impact of the change on the Character of Service
- The time elapsed since the licence was awarded
- Considerations taken into account in making the original award
- The views of listeners and stakeholders
- The avoidance of 'Format creep'
- Whether the station broadcasts on AM or FM
- Ofcom's localness guidance

Following the consultation, Ofcom examined the Format Change Request for Sam FM (Solent) and first considered whether it was satisfied in relation to any of the three remaining statutory criteria (i.e. section 106(1A)(b), (c) or (d)). Ofcom was of the view that the change requested by Sam FM would not narrow the range of programmes available by way of local (analogue) services in the area (section 106(1A)(b)). This was on the basis that the practical impact of the change in terms of the station's programme output is likely to be extremely limited because it will remain as a rock-focused station for an older audience.

Having been satisfied in relation to one of the relevant statutory criteria, Ofcom then considered this request under its published policy criteria. Ofcom concluded that there were no policy reasons to reject this change. In this regard, Ofcom noted that this change would 'return' the Format to what it was when the licence was first awarded in 2005, that the consultation did not elicit any responses either in favour of or against the change, and that the extent of the impact of the change on the character of the service is likely to be extremely limited in practice.

In sum, therefore, Ofcom agreed this Format change request because it was satisfied in relation to one of the relevant statutory criteria, and for the three policy reasons set out above.

The new Format for Sam FM (Solent) will read as follows:

AN ADULT ALTERNATIVE STATION PLAYING ADULT-ORIENTED ALBUM TRACKS, CLASSIC ROCK AND PREDOMINANTLY NON-CONTEMPORARY POP/ROCK HITS, WITH PARTICULAR APPEAL FOR 35-59 YEAR OLDS