
Sam FM (Bristol)

Request to change Format

CONSULTATION:

Publication Date: 16 October 2020

Closing Date for Responses: 13 November 2020

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1. Overview

A commercial radio station's Format sets out the type of broadcast output it is required to deliver, and forms a part of its licence. Formats may include requirements relating to a station's music output, news provision, other types of speech content, its target audience, the volume and origin of locally-made programmes, and any programme sharing arrangements. Taken together, these elements encapsulate the nature and overall character of a licensed service.

When a request to change a Format constitutes a significant departure from the character of service, the request is subject to consultation. This document outlines the request received from CRB Audio Limited with regard to its local radio broadcasting licence for the Bristol area, which broadcasts as 'Sam FM,' and Ofcom's preliminary view on the request to change the character of service.

What we are proposing

CRB Audio Limited wishes to amend its Format such that the character of service applying to its Bristol licence, which broadcasts as 'Sam FM', would change from:

"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, with 24-hour news."

to:

"A station playing current hits and the best hits from the past 20 years with local news and information appealing to a 25-44 year-old audience in the Bristol area."

Ofcom understands that the station would, if the request is granted, be rebranded as 'Hits Radio'.

We have taken a preliminary view on the request and are minded to grant it. However, we are seeking views on the request before we make a decision. The consultation closes at **5pm on 13 November 2020**.

2. Details and background information

- 2.1 The licence for each local analogue commercial radio service contains a ‘Format’ which describes the type of programme service the licensee is required to provide. Part of that Format is a section describing the ‘Character of Service’ of the station.
- 2.2 Licensees can make requests to Ofcom to change their Formats (‘Format change requests’), including the character of service, in accordance with their licence conditions and relevant statutory provisions.
- 2.3 CRB Audio Limited (‘CRBA’), until recently known as Celador Radio Limited, is a wholly-owned subsidiary of Bauer Radio Limited. It has submitted the following Format change request to Ofcom to change the description in the ‘Character of Service’ section of the Bristol FM licence, which currently broadcasts as ‘Sam FM’, from:
- “An adult alternative station playing adult-oriented album tracks¹, classic rock and predominantly non-contemporary pop/rock hits, with particular appeal for 35-59 year olds, with 24-hour news.”*
- to:
- “A station playing current hits and the best hits from the past 20 years with local news and information appealing to a 25-44 year-old audience in the Bristol area.”*
- 2.4 If the change were to be permitted by Ofcom, we understand that the station would be re-branded as ‘Hits Radio’.

Licence conditions and statutory framework

- 2.5 Conditions included in the licence pursuant to section 106(1A) of the Broadcasting Act 1990 (as amended) (the ‘Act’), provide that Ofcom may consent to a change of a Format (a departure from the character of the licensed service) only where we are satisfied that at least one of the following five statutory criteria is met:
- a) that the departure would not substantially alter the character of the service²;
 - b) that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living in the area or locality for which the service is licensed to be provided;
 - c) that, in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition in the area or locality;

¹ Sam FM’s Format qualifies this in a footnote by saying “Album tracks which become UK top 20 singles, or UK top 20 singles subsequently appearing on albums, would not qualify”.

² The legislation requires Ofcom to have regard to the selection of spoken material and music in programmes when determining the character of the service in question.

- d) that, in the case of a local licence, 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, in the case of a local licence (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).
- 2.6 Under section 106ZA of the Act, Ofcom is required to hold a public consultation on a proposed Format change unless criterion (a) or (e) is satisfied.
- 2.7 In relation to criterion (b), national and regional analogue commercial services, local DAB services and BBC services do not fall within the definition of ‘relevant independent radio services’ (by virtue of section 106(7) of the Act). Accordingly, only local analogue commercial and community radio services are taken into account in considering whether the Format change requested would narrow the range of programmes available.
- 2.8 The legislation leaves the decision as to whether to permit a change, even if one of the above statutory criteria is satisfied, to Ofcom’s discretion. There may be reasons, depending on the particular circumstances of the case, why Ofcom may decide not to consent to the proposed change, notwithstanding that one of the statutory criteria is met. We have set out on our website, [factors we use to help us judge whether a request of this kind should be approved](#). We also take account of our general statutory duties, including:
- a) our principal duty to further the interests of citizens and consumers;
 - b) our duty to secure the availability throughout the UK of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests (including specifically a range and diversity of local radio services), as well as the maintenance of a sufficient plurality of providers of different services; and
 - c) our duty to have regard to the different interests of persons in the different parts of the UK, of the different ethnic communities within it and of persons living in rural and in urban areas.

3. Consideration of the request and Ofcom's preliminary view

- 3.1 The Format change requested by CRBA in relation to Sam FM in Bristol is the subject of this consultation. It has been made on the basis that criterion (d) of section 106(1A) of the Act is met: 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. As noted above, Ofcom has a discretion to consent to a change request where section 106(1A)(d) is met.
- 3.2 For the reasons that follow, we are minded to consent to CRBA's request. We are seeking respondents' comments on our preliminary view.

Preliminary view

- 3.3 In Ofcom's preliminary view, the Format change requested by CRBA would significantly alter the character of the service in relation to the nature of the station's programming and target audience. The change would replace a classic rock and non-contemporary pop and rock-based 'adult alternative' station aimed at 35-59 year-olds with a younger-targeted service aimed at 25-44 year-olds that plays a mix of current chart hits and hits from the past 20 years. On that basis, we do not consider that criterion (a) in section 106(1A) is met, and criterion (e) in section 106(1A) is not relevant to this request as it does not relate solely to the location where programmes are made. Since we are not proceeding on the basis of criterion (a) or (e) being met, Ofcom is required to consult on the proposed approval of the request.
- 3.4 Ofcom is therefore consulting on the Format change request in accordance with section 106ZA, specifically whether it satisfies statutory criterion (d) and whether, if it does, it would be appropriate for Ofcom to exercise its discretion to approve the request.
- 3.5 Criterion (d) is satisfied where 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.
- 3.6 In requesting the change under criterion (d), CRBA submitted original market research conducted among respondents living within the Bristol licence area that Sam FM currently broadcasts to.
- 3.7 The research was conducted online by market research company Kantar in July 2020. The objective of the research was to measure the appeal of the two Format descriptions (i.e. Sam FM's 'adult alternative' Format, as set out in its licence, versus the new 'Hits Radio' Format description proposed by CRBA). No station names were attached to the Format descriptions.
- 3.8 The total sample comprised 200 adults aged 16+, weighted according to the age demographics of the population living in the Bristol postcode areas. The survey did not ask

respondents in detail about their current listening behavior, beyond how frequently they usually listen to the radio.

- 3.9 The results of the survey are set out by CRBA in its Format Change Request to Ofcom, reproduced at Annex A5. It argues that the results of the research show a significantly greater demand for the proposed new ‘Hits Radio’ format compared to the existing Sam FM format. In particular, it highlighted that:
- 40% of the overall sample said they would listen to the ‘Hits Radio’ format at least two or three times per week, compared to 27% for the Sam FM format. This increased to 52% among the 25-44 year-old demographic that CRBA wishes to target with the new service, with the Hits Radio format being significantly more popular among female respondents than the Sam FM format.
 - The research also suggested that Bristol listeners would be more likely to listen to the ‘Hits Radio’ format for longer (more than five hours per week) than the Sam FM format.
- 3.10 In assessing the research evidence provided by CRBA, we noted that the 200 sample size was a little on the low side to look reliably at some sub-groups in relation to the Measured Coverage Area of this licence, which is 539,000 adults (aged 15+). However, we were satisfied the research had been professionally conducted by an independent market research company and that at an overall level the research is sufficiently robust.
- 3.11 In our view, presenting the actual and proposed Format wording directly to respondents may not have been the most effective way of comparing the audience appeal of the two formats, given that terms such as ‘adult alternative’ or ‘the best hits’ are open to interpretation, and only the ‘Hits Radio’ Format wording specifically mentions Bristol. However, we equally recognise that alternative ways of measuring comparative appeal also have significant drawbacks and limitations.
- 3.12 On balance, however, we were satisfied that the research undertaken demonstrated that, given a choice of two future formats for this licence (i.e. the ‘Hits Radio’ format versus a continuation of the Sam FM format), there was evidence of a clear preference among Bristol listeners for the ‘Hits Radio’ format and that it would be likely to appeal to a broader range of demographics than the current format.

Policy criteria

- 3.13 The Format change legislation leaves to Ofcom’s judgement the decision as to whether to permit a change, even if one of the statutory criteria is satisfied (as is the case here, in our preliminary view).
- 3.14 In considering this request in relation to our [published policy criteria](#) on Format changes, we accept that the extent of the impact of the change on the character of the service would be very substantial. The views of listeners and stakeholders we receive in response to this consultation will therefore be fully taken into account in reaching our final decision on whether or not to approve the change.

- 3.15 This Bristol licence was [re-awarded to the incumbent licensee](#), Celador Radio Limited (now CRBA) in December 2018, following an award contest³. The station’s new 12-year licence term commenced on 20 May 2019. Our policy states that “a change soon after licence award (or re-award, in the case of a re-advertised licence) would be inconsistent with the licensing process whereby stations define their own Formats in their licence application” and that, “Ofcom will therefore expect a stronger case to be made for changes that are requested within two years of launch (or commencement of a new licence period) than for stations which have been established for a longer period”. The guidance also states that “Ofcom would be unlikely to allow a complete change of character of a service within two years [of the commencement date of the new licence term].” We note that the Format change request entails a significant change to the character of service.
- 3.16 CRBA argues in its Format Change Request at Annex A5 that Ofcom should depart from its policy regarding changes relatively soon after award or re-award in this particular case on the grounds that “the operating environment for commercial radio have [sic] changed dramatically in the past year. This has put significant pressure on the station’s ability to continue to operate within its existing format. The pressure is facing the whole industry and the position would be the same no matter who had been awarded the licence.”
- 3.17 CRBA notes that, since the re-award of the Bristol licence at the end of 2018, a significant number of new national DAB services have launched which provide additional competition for Sam FM. It argues that this demonstrates the speed at which the market now moves, and that Ofcom’s policy regarding changes shortly after award or re-award disadvantages local analogue stations such as Sam FM who cannot significantly change their Format in response to changes in competition.
- 3.18 Ofcom recognises that allowing this Format change request would involve a departure from its policy of not generally allowing changes which significantly depart from the character of service relatively soon after launch or re-award, based on the exceptional circumstances of the Coronavirus pandemic and its impact on local radio finances.
- 3.19 We note that CRBA primarily state the Format change enables them to respond to the challenging commercial environment by responding to competition from digital services. In this respect we note that, in considering whether a Format change requests meets the statutory criterion in section 106(1A)(b) of the Act (i.e. that the change would not narrow the range of programmes available by way of “relevant independent radio services” in the locality), Ofcom can only take into account the existence of other local analogue stations in the market (as listed at Annex A6). We do not consider this criterion is met, which is why we are considering the Format change request instead under section 106(1A)(d) as set out above. However, we are not precluded from looking more widely at the local radio market in deciding whether to exercise our discretion under our policy criteria if we consider at least one statutory criterion is met, and have taken into account that there are competitive pressures in addition to those which existed in 2018.

³ The competing licence application (‘Jack FM’) was made by [Bristol Sound Limited](#).

- 3.20 In addition to responding to competitive pressure, we note that the closure of its former sister ‘Sam FM’ stations in Swindon and the Solent region (with which the Bristol licence formerly shared programming and studio facilities) means Sam FM Bristol is now operating as a ‘stand-alone’ service. It appears to Ofcom that, if this change request were to be approved, the Bristol licence would be able to share the vast majority of its programming hours with other stations in (parent company) Bauer’s ‘Hits Radio’ network, thereby reducing the operating costs of the licence. Whilst CRBA do not focus on cost savings in its response, we have taken into account these may also have a positive impact on financial viability in light of a set of economic circumstances which could not reasonably have been predicted at the time of re-award in 2018.
- 3.21 We do not, however, agree that the policy in relation to Format changes soon after licence awards or re-awards as a whole is unfair to analogue local radio services, as it helps ensure application proposals in award and re-award processes involving scarce spectrum are based on the longer term intentions of potential providers.
- 3.22 Ofcom is conscious that broadcasters are currently facing significant challenges as a result of the Coronavirus pandemic, both in terms of a significant loss of advertising revenues and potential logistical difficulties in being able to meet local production requirements. These are challenges that fall outside normal fluctuations in the economic cycle, which we would expect applicants for a licence to consider in their business planning when submitting an application.
- 3.23 We are therefore minded, in respect of this particular request at this particular time, to permit the change request, despite the fact that the station has not yet reached the second anniversary of the commencement of its new licence. However, we would welcome comments on this issue, and emphasise that our preliminary view in this particular case does not mean Ofcom will cease to apply our policy on changes shortly after a licence award or re-award, which is important in terms of ensuring applications accurately reflect the intentions of applicants. Instead, it merely reflects the current exceptional circumstances which could not reasonably have been anticipated in 2018 .
- 3.24 We also do not consider, on a preliminary basis and subject to any responses we receive to the consultation, that there are any other policy reasons for us not to approve this request.
- 3.25 Accordingly, having reached the preliminary view 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, and that there are no policy reasons for refusing the request, we are minded to consent to CRBA’s request subject to the outcome of this consultation.

A1. 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 Friday 13 November 2020.
- A1.2 You can download a response form. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to samfmconsultation@ofcom.org.uk as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or,
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).
- A1.6 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.
- A1.7 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.
- A1.8 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 4. 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.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Jon Heasman at jon.heasman@ofcom.org.uk.

Confidentiality

- A1.10 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 [the Ofcom website](#) as soon as we receive them.

- A1.11 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.
- A1.12 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.
- A1.13 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 in our [Terms of Use](#).

Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in December.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please 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.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. 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.

A3. Consultation coversheet

BASIC DETAILS

Consultation title: Sam FM (Bristol) consultation

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)

A4. Consultation question

- A4.1 Ofcom is seeking views on this Format change request. Ofcom may consent to a departure from the character of the licensed service if Ofcom is satisfied that at least one of the criteria in Section 106 (1A) of the Broadcast Act 1990 (as amended) is satisfied in relation to each request. These criteria are set out on page 4 of this consultation document.
- A4.2 In light of the considerations set out in Section 3 of this document, we are minded to consent to a departure from the character of the service on the basis that criterion (b) in Section 106(1A) of the Broadcasting Act 1990 (as amended) is satisfied in respect of the Format change request, and that there are no policy grounds on which to refuse the request.

Question 1:

Respondents are invited to comment on whether they agree with Ofcom’s preliminary view and to frame their views and responses with reference to, or in the context of, the statutory criteria in section 106(1A) of the Broadcasting Act 1990 (as amended).

A5. Format change request from CRB Audio

Date of request:	17 th August 2020
Station Name:	Sam FM Bristol
Licensed area and licence number:	Bristol and surrounding area AL102515
Licensee:	CRB Audio Ltd
Contact name:	Graham Bryce

Details of requested change(s) to Format

<p>Character of Service</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p>	<p>Existing Character of Service:</p> <p>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, with 24-hour news. *album tracks which become UK top 20 singles, or UK top 20 singles subsequently appearing on albums, would not qualify.</p>
	<p>Proposed new Character of Service:</p> <p>A station playing current hits and the best hits from the past 20 years with local news and information appealing to a 25-44 year-old audience in the Bristol area.</p>
<p>Programme sharing and/or co-location arrangements</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p>	<p>Current arrangements:</p>
	<p>Proposed new arrangements:</p>
<p>Locally-made hours and/or local news bulletins</p>	<p>Current obligations:</p>

<i>Complete this section if you are requesting a change to this part of your Format</i>	Proposed new obligations:
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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.⁴

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 on our website.⁵

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

⁴ Available at https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

⁵ At https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

request (and, if so, whether it wishes to amend or replace its submission in light of the necessity to make it public).#

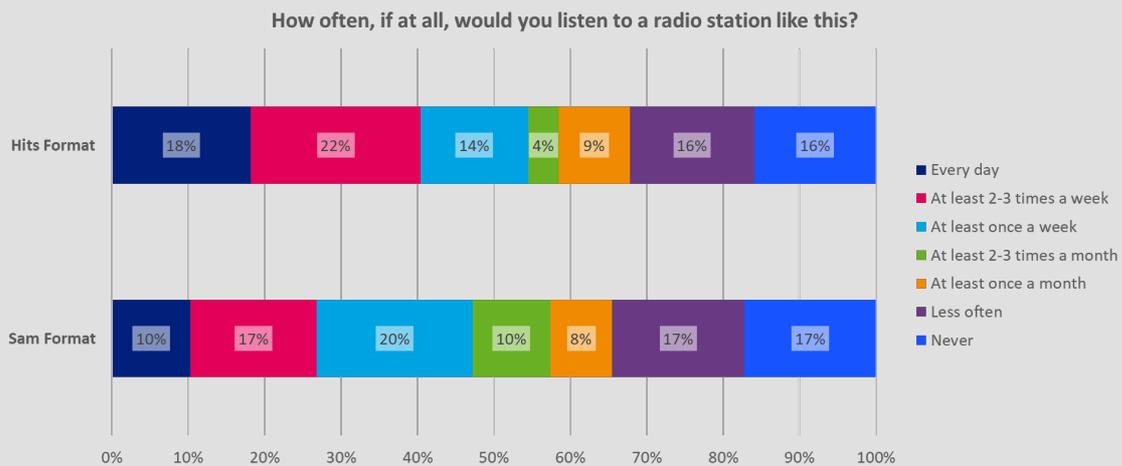
Please set out the statutory criterion, or criteria, set out in section 106(1A) of the Broadcasting Act 1990 that you believe is/are satisfied in relation to this Format change request, and the reasons for this.

(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

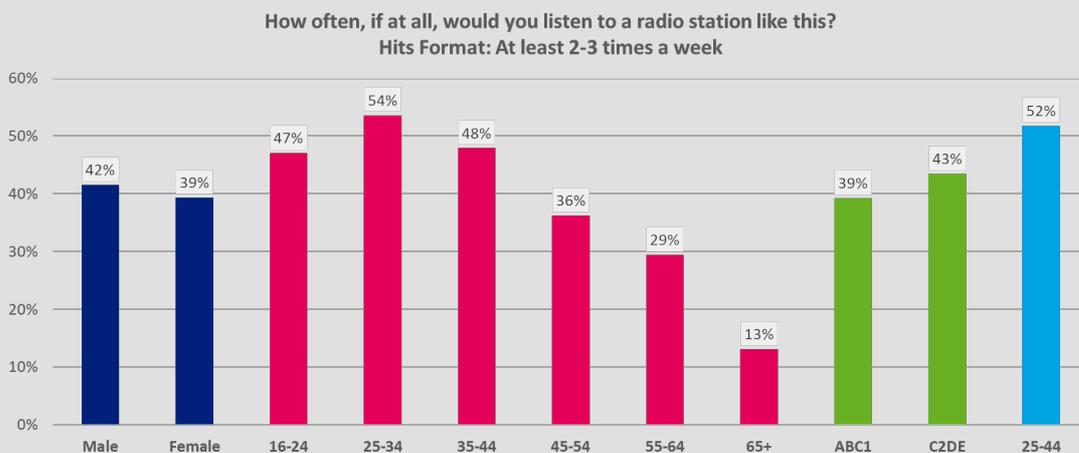
In July 2020 we carried out research among 200 listeners in Bristol testing the existing Format of Sam FM against the proposed new Hits format.

This suggested significantly greater support for the proposed format than the existing format.

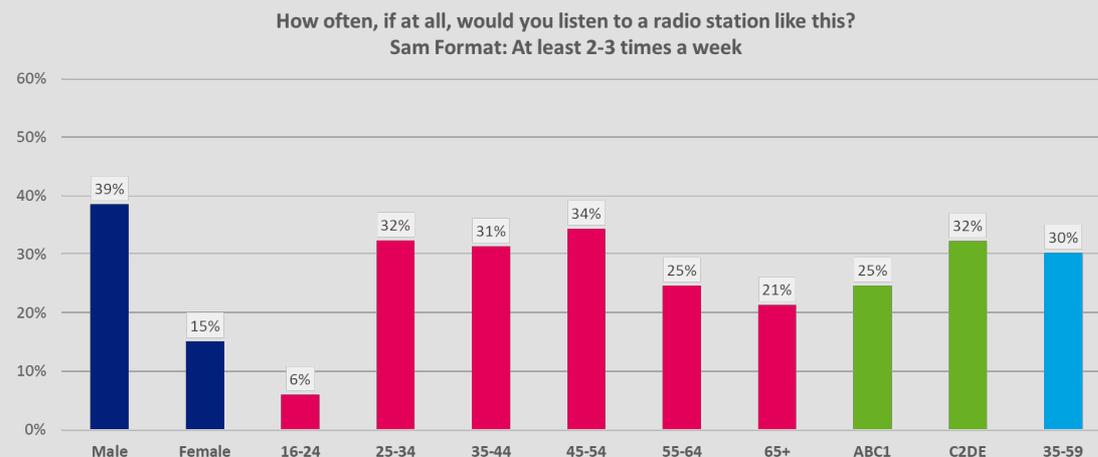
40% of the sample said they would listen to the Hits format at least 2-3 times per week compared to 27% for the Sam format. The Bristol population was significantly more likely to listen to the Hits format every day than the Sam format.



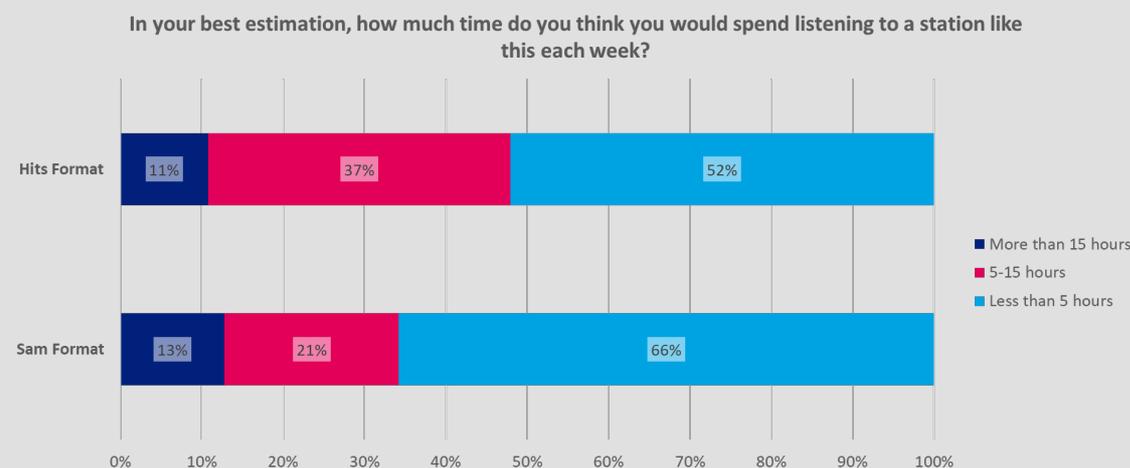
52% of those within the target 25-44 age group said they would listen to the Hits Format at least 2-3 times a week.



The proposed format scored more highly among all demographic groups than the Sam format.



The research suggests that listeners are also likely to listen for longer to the proposed format than the existing format.



48% of those who said they would listen to the Hits format say they would listen for at least five hours per week compared to 34% for the Sam format. The Bristol population was significantly more likely to listen to the Hits format between 5-15 hours than the Sam format.

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 policy⁶ and also Ofcom’s Localness guidance, which includes our co-location and programme sharing policy.⁷

Change within two years

While the service has only been operating under its new licence since May 2019 and so is not two years into its new licence until May 2021 the substantial changes that have happened to the operating environment for commercial radio have changed dramatically in the past year. This has put significant

⁶ Available at https://www.ofcom.org.uk/_data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

⁷ Available at <http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>

pressure on the station's ability to continue to operate within its existing format. This pressure is facing the whole industry and the position would have been the same no matter who had been awarded the licence. In these exceptional times we argue that the 2- year policy should be waived.

In addition, the policy of a two-year presumption against format changes dates from a time when analogue listening was predominant. Today digital station formats appear and disappear regularly, Within the past two years the range of national and local services offered to listeners in the Bristol area have changed considerably. Since the licence was re-awarded at the end of 2018 the following additional stations have launched and are available on DAB to listeners in Bristol:

- Capital Xtra Reloaded
- Gold
- Heart 70s
- Heart 90s
- Heart Dance
- LBC News
- Love Sport
- Scala Radio
- Smooth Chill
- Virgin Groove
- Virgin Anthems

These stations are competing for audience with Sam FM and even though they have only recently launched can change format at any time with Ofcom consent and are not subject to any restrictions on changing.

While these are digital stations and cannot be taken into account under the statute when considering broadening choice, these new launches do demonstrate how fast the market is changing and how Ofcom's "two year" policy disadvantages analogue stations.

The service will continue to meet all of its existing localness obligations and provide a first- class local news and information service to listeners in Bristol

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.

Data Protection

We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's General Privacy Statement www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement for further information about how Ofcom handles your personal information and your corresponding rights.

A6. Other commercial and community radio stations in the Bristol licence area

The following is a list of other local analogue (i.e. AM and FM) services broadcasting within, or to a significant part of, the Bristol (106.5 FM) licence area. Links are provided to their Formats (commercial stations) or Key Commitments (community stations).

Commercial radio stations

[Greatest Hits Radio \(Bristol\)](#)

[Kiss \(Severn Estuary\)](#)

[Heart \(Bristol & Bath\)](#)

Community radio stations

[Bradley Stoke Radio](#)

[BCRfm Radio \(Bristol\)](#)

[KTCRfm \(Keynsham\)](#)

[SWU.FM \(Bristol\)](#)

[Ujima Radio \(St.Paul's & Easton\)](#)