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## Section 355 Review of Output

### Rother FM (Rotherham)

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## Introduction

When a local commercial radio licence undergoes a change of control (this includes licence transfer), Ofcom is required, under section 355 of the Communications Act 2003 ('the Act'), to undertake a review of the effects or likely effects of the change of control in relation to:

- the quality and range of programmes included in the service;
- the character of the service, and;
- the extent to which Ofcom's duty under section 314 of the Act is performed in relation to the service. Ofcom's duty under section 314 of the Act relates to securing the inclusion of an appropriate amount of local material, and a suitable proportion of locally-made programmes in the service.

Under section 356 of the Act, where it appears to Ofcom from its review that the change of control would be prejudicial to any of the three matters listed above, then it must vary the licence, by including such conditions as it considers appropriate, with a view to ensuring that the relevant change of control is not so prejudicial. In doing so, any new or varied conditions must be such that the licence holder would have satisfied them throughout the three months immediately before the change of control. Ofcom is required to publish a report of its review, setting out its conclusions and any steps it proposes to take under section 356. Where Ofcom proposes to vary the licence, it is required to give the licence holder a reasonable opportunity to make representations about the variation.

On 6 February 2019, Ofcom received notification from Lincs FM Group that on 31 January 2019 agreement had been reached to sell the analogue radio licence for Rotherham, held by its subsidiary company Rother FM Limited and broadcasting as 'Rother FM', to Bauer Radio Limited ('Bauer'). The acquisition of this and other licences owned by Lincs FM Group Limited was completed by Bauer on 28 February 2019.

Ofcom has now carried out its review under section 355 in relation to Rother FM. In doing so, we have reviewed the output of the licence in the three months prior to the change of control taking place, and considered information provided to it by Bauer with regard to the future programming of the licence.

## Ofcom's assessment of the output of Rother FM (prior to the change of control)

The Character of Service of the Rotherham licence is:

A LOCALLY-FOCUSED BROAD MUSIC AND INFORMATION STATION FOR ROTHERHAM AREA, WITH A STRONG COMMITMENT TO LOCAL NEWS.

Rother FM's Format requires local news to be broadcast at least hourly during peak time, defined by Ofcom as being weekday breakfast and afternoon drivetime, and weekend late breakfast.

On weekdays, Rother FM provided local live news bulletins daily from 6am through to 7pm, and at weekends from 8am to 12pm. These bulletins included a mix of national and local news, and also

featured sports updates featuring news from Rotherham United FC and other local clubs. The news bulletins were produced by a team of five journalists based in Doncaster, and were generally of three minutes duration.

Rother FM's daily schedule featured local weather travel and traffic news at least twice per hour during weekday peak times. These were aired immediately after the main local news bulletin on the hour, and a further two times during the hour. This pattern was repeated at weekend peak times.

Regular programming features included 'Take the Cake', featuring the delivery of a cake to a local listener or business; 'Unplugged' which gave local unsigned acts the chance to have their music aired on Wednesday afternoons; and outside broadcasts at local points of interest such as the local shopping centre.

All programming on Rother FM was broadcast from studios in Doncaster, which sits within the station's 'approved area' of South Yorkshire. Only the weekday breakfast show and weekend morning shows were broadcast live, with the remainder of the output being pre-recorded.

Although Rother FM has permissions in its Format to share all of its local programming hours with Trax FM (Doncaster), Dearne FM (Barnsley) and Rutland Radio, only the evening show (7-11pm) was in fact shared. This programme was recorded by a single presenter with some generic content, with other content being specifically local to each station.

## The new owner's plans



## Recommended variations to the licence

Based on our assessment of the station's output in the three months prior to the change of control, we do not believe that the Rotherham licence considered in this Review was broadcasting any programming that was not already reflected in the requirements of the station's Format which would, in our view, have a significant impact upon:

- the quality and range of programmes included in the service;
- the character of the service; and,
- the extent to which local material and locally-made programmes are included in the service.

Therefore, we are not proposing any variations to the licence under section 356.

*February 2020*