
Absolute Radio (London)

Request to change Format

CONSULTATION:

Publication date: 10 February 2021

Closing date for responses: 10 March 2021

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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 a request received from Bauer Radio Limited ('Bauer') with regard to the FM local radio broadcasting licence it holds for the Greater London area, which broadcasts as 'Absolute Radio', and Ofcom's preliminary view on the request to change the character of service.

What we are proposing

Bauer Radio Limited wishes to amend its Format such that the character of service applying to its Greater London (105.8 FM) licence, which broadcasts as 'Absolute Radio', would change from:

"A rock-oriented station combining new music with classic album tracks, aimed at 25-44 year-old Londoners."

to:

"A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, music documentaries and a classic album tracks show, plus local news and information aimed at 25-54 year-old Londoners."

Ofcom understands that the station would, if the request is granted, be rebranded as 'Greatest 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 Wednesday 10 March 2021.**

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 Bauer Radio Limited (‘Bauer’) has submitted the following Format change request to Ofcom to change the description in the ‘Character of Service’ section of the Greater London (105.8 FM) licence, which currently broadcasts as ‘Absolute Radio’, from:
- “A rock-oriented station combining new music with classic album tracks, aimed at 25-44 year-old Londoners.”*
- to:
- “A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, music documentaries and a classic album tracks show, plus local news and information aimed at 25-54 year-old Londoners.”*
- 2.4 Ofcom understands that the station would, if the request is granted, be rebranded as ‘Greatest 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:
- that the departure would not substantially alter the character of the service¹;
 - 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;
 - 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;
 - 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

¹ 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.

- 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 Bauer in relation to Absolute Radio (105.8 FM) in London is the subject of this consultation. It has been made on the basis that both criteria (b) and (d) of section 106(1A) of the Act are met. Criterion (b) requires Ofcom to be satisfied that the proposed change would not narrow the range of programmes available by way of relevant independent radio services to persons living in the licence area. Criterion (d) requires Ofcom to be satisfied 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 still retains a discretion on whether or not to consent to a change request in situations where we are satisfied in relation to at least one of the statutory criteria.
- 3.2 For the reasons that follow, we are minded to consent to Bauer’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 Bauer would substantially alter the character of the service, as it would change both the nature of the station’s programming and its target audience. The change would replace a rock-oriented station (Absolute Radio) that mixes new music with classic album tracks, aimed at 25-44 year-olds, with a station (Greatest Hits Radio) that plays a different mix of music (i.e. classic pop and rock hits) from a different time period (i.e. the 70s, 80s and 90s, with no current or recent music being aired), and which is aimed at a slightly older demographic of 25-54 year-olds. 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 either of criteria (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 either, or both, of statutory criteria (b) and (d) and whether, if so, it would be appropriate for Ofcom to exercise its discretion to approve the request.

Bauer’s request under statutory criterion (b)

- 3.5 Criterion (b) is satisfied where the change would “not narrow the range of programmes” available locally, so requires us to compare how the current and proposed revised character of service contribute to the range of programmes available on services locally.

- 3.6 In setting out its case under criterion (b), Bauer notes that, were the change to be approved by Ofcom, the same Absolute Radio service that is broadcast on 105.8 FM in London would remain available across London on AM, DAB digital radio and digital TV, as well as online. Bauer also highlights, under criterion (d), the extent to which RAJAR audience research shows that Absolute Radio is consumed by listeners via digital, rather than analogue, platforms in the Greater London market.
- 3.7 In considering criterion (b) in relation to the local analogue stations available in the Greater London, Bauer points out that there are several other stations already catering to the 25-44 year-old demographic targeted by Absolute Radio, and also notes that there is already another station in the market (Radio X) which is required to play rock music. Bauer says that Absolute Radio's existing commitment to playing "classic album tracks" will be maintained through a commitment to a weekly album music show, and that the new Greatest Hits Radio service will increase listener choice by providing local London news and information.
- 3.8 Bauer acknowledges that the Greater London (AM) station Gold has a "classic hits" format. However, it says the music Gold plays is much older than the proposed Greatest Hits Radio format, with 45% of Gold's music drawn from the 1950s and 60s, compared to the planned Greatest Hits Radio output of music from the 70, 80s and 90s.

Ofcom analysis

- 3.9 With regard to Bauer's first point (summarised in paragraph 3.6, above), in assessing whether the statutory criteria are met, we are unable to take into account the fact that, if Ofcom were to grant the change request, Absolute Radio would continue to be available to listeners throughout Greater London through other means, including on analogue radio via Absolute Radio's national AM transmissions. This is because, under the legislation, in assessing whether we think that criterion (b) could be satisfied, Ofcom is only permitted to take into account the Formats and Key Commitments of all the other analogue (i.e. AM or FM) local and community radio services broadcasting within the Greater London area served by Absolute Radio². Therefore, the continued availability of Absolute Radio (or, indeed, other services) in London broadcast under other types of Ofcom licences is not a factor we are able to take into account in reaching our preliminary view (or indeed final decision) on this matter.
- 3.10 The analogue local commercial radio stations which broadcast within all of, or to a significant part of, the Greater London licence area served by Absolute Radio on 105.8 MHz, and the 'Character of Service' of each, are listed overleaf:

² This is because the term "relevant independent radio services" in section 106(1A)(b) is defined in section 106(7) of the Act, and this definition does not encompass DAB services, or national analogue commercial radio services.

| Station name (licence area) | Character of service |
|--------------------------------------|---|
| Asian FX (North London AM) | A contemporary Asian/urban music-led station for young British Asians aged 15-44 featuring the music of British Asian artists and the latest/classic Bollywood tracks and world music. |
| Capital (Greater London FM) | A locally oriented, mainstream popular music-led service for under 40s in London. |
| Capital Xtra (Brixton FM) | A targeted music, news and information service primarily for listeners of African and Afro-Caribbean origin in the Brixton area but with crossover appeal to other listeners who appreciate urban contemporary black music. |
| Capital Xtra (North London FM) | A targeted music, news and information service primarily for listeners of African and Afro-Caribbean origin in the North London area but with crossover appeal to other listeners who appreciate urban contemporary black music. |
| Gold (Greater London AM) | A classic pop hits station targeted primarily at 35-54 year-olds in the London area. |
| Heart (Greater London FM) | A mainstream popular music-led service for 25 to 44 year-old Londoners, supplemented with news, information and entertainment. The service should have particular appeal to people in their 30s. |
| Kiss (Greater London FM) | A contemporary and classic dance music station primarily for under-30s. Identifiable specialist music features for at least 36 hours per week. |
| LBC (Greater London FM) | A 24-hour speech service of news, views, discussions, phone-ins and entertainment for Londoners (with any music for illustrative purposes only). |
| LBC News (Greater London AM) | A rolling (i.e. twenty or thirty-minute) news and information service for Londoners from 0700-1900 weekdays, 0700-1800 Saturdays and 0700-1700 Sundays. At other times the service may be a simulcast of LBC 97.3. |
| London Greek Radio (North London FM) | A targeted news, information and broad Greek music service for London's Greek and Greek Cypriot community. |
| Lyca Dil Se (Greater London AM) | An interactive speech-based station targeted at over-35s in the various Asian communities around London, accompanied by a mix of popular forms of music appealing to the target audience. Speech (expected to comprise at least half of daytime, and maybe less out of daytime) may be in English but should encourage a multi-lingual environment. |

| | |
|---|--|
| Lyca Radio (Greater London AM) | A full service music and information mix for Asians in London, featuring an appropriate variety of cultures and styles, with news bulletins in English and/or Hindustani. |
| Magic (Greater London FM) | An easy-listening soft music-led service aimed at the more mature Londoner (at least over 35) and distinctive for its relaxed ambience. |
| Panjab Radio (Greater London AM) | The service will be known as Panjab Radio and will provide a service aimed at the Panjabi community. The service will be broadcast in Panjabi and English languages. |
| Premier Christian Radio (Greater London AM) | A full service of speech and music for the Greater London area which reflects and proclaims the worship, thought and action of the Christian faith. |
| Radio Jackie (Kingston-upon-Thames FM) | A full service of broad music, news, community issues and information for people living and working in the Kingston-upon-Thames area. |
| Radio X (Greater London FM) | A rock and alternative music station targeted at 15-34 year-old London listeners. |
| Time 107.5 (Havering FM) | A full service of broad music, information and news primarily for 25-44 year-olds in the London borough of Havering and immediate area, with at least 27 hours of soul-related specialist music each week. |
| Smooth Radio (Greater London FM) | An easy listening station, featuring lifestyle-oriented speech, targeting a London audience aged 50-plus. |
| Sunrise Radio (Greater London AM) | A music-led service for London Asians primarily targeting those aged 15 to 34 with a mix of Asian music and other more mainstream music where appropriate. |

3.11 Additionally, there are currently 17 community stations broadcasting community-oriented radio services to significantly smaller geographical areas within the Greater London licence area. These stations, and the ‘Character of Service’ of each, are listed (with links to their full ‘Key Commitments’) at Annex 7, in addition to links to the complete Formats of all the local analogue commercial radio services listed above.

3.12 Having assessed the Format and Key Commitment requirements of the radio stations listed above and at Annex 7, we consider that the two services which are of most relevance are Radio X (Greater London FM), which is the service closest to the existing Absolute Radio Format, and Gold (Greater London AM) which is closest to the proposed revised Format. We have therefore had particular regard to these Formats in considering whether the change would narrow the range of programmes available by way relevant independent

radio services. However, there are other relevant services with some similarities to the proposed revised Format, including Heart, Smooth Radio and Magic.

- 3.13 In relation to Radio X, we acknowledge Bauer’s point that, like Absolute Radio, Radio X is required to play rock music and as such there is a degree of overlap between the Formats of the two services. However, we note that Radio X’s Format is primarily targeted at a younger, 15-34 year-old audience, whereas Absolute Radio’s Format refers to a slightly older 25-44 year-old audience. More significantly, Radio X is required to play “alternative music” as well as rock, and does not share Absolute Radio’s Format requirement to play “classic album tracks”. As such there are some similarities between the Formats of Radio X and the existing Absolute Radio Format, but also some important differences. Since the respective Formats require Absolute Radio to provide some programming that Radio X is not required to provide, we consider there would be some reduction in the range of programmes in this area, particularly in relation to classic rock-orientated album tracks. So the issue is whether this is offset by a broadening of the range of programmes provided under the proposed revised Format, taking into account relevant services offering similar programmes.
- 3.14 Turning to the comparison between the proposed revised ‘Greatest Hits Radio’ Format and Gold’s Format, there are some similarities between the two in that both refer to “classic pop hits” and target a similar age demographic, albeit the Gold Format refers to a slightly narrower age range of 35-54 year-olds rather than Greatest Hits Radio’s 25-54 year-olds. The change from a “rock-oriented station” to a “classic pop and rock hits” station means that the new Greatest Hits Radio service would be able to play a large amount of mainstream pop music drawn from a variety of different genres. There would be a clear overlap with Gold in this respect. There would also be some overlap with Smooth Radio and Magic, although the Formats of these stations are not limited by musical era and both refer specifically to “easy listening” music, while the proposed Greatest Hits Radio Format will require the inclusion of classic rock tracks. In addition, Smooth’s target demographic (of listeners aged 50+) is notably older. To a lesser extent, there would also be overlap with Heart, whose Format requires it to be “A mainstream popular music-led service for 25 to 44 year-old Londoners”. However, like Smooth and Magic, Heart’s Format is not limited by era so it can (and does) include more contemporary material, reflecting the fact that it is required to have “particular appeal to people in their 30s”.
- 3.15 We note Bauer’s observation that the music output of Gold in London is much older, including significant amounts of 60s music (and some 50s music) in its output, than the proposed ‘Greatest Hits Radio’ Format, which will play tracks exclusively from the 70s, 80s and 90s. It is true that Gold’s Format provides flexibility to play 60s music whereas the revised Greatest Hits Radio Format would not, although Gold is not *required* to play 60s music and therefore could choose not to do so while remaining within its Format. There are three other respects in which the proposed Greatest Hits Radio Format would be distinct from the Gold Format. Firstly, it would refer to classic rock in addition to classic pop. Secondly, it would require “music documentaries and a classic album tracks show”. Thirdly, it would include a requirement to provide “local news and information aimed at

25-54 year-old Londoners”, whereas Gold does not have a local news and information requirement. So there would be significant potential overlaps between Greatest Hits Radio and Gold (as well as with other services), but we consider that the Format would require the inclusion of material not currently required under the Formats of relevant services and would, in that respect, broaden the range of programmes provided.

- 3.16 In conclusion, Bauer’s Format change proposal would result in the loss of the only local analogue service in Greater London licensed to play a mix of new and classic rock-oriented music for 25-44s, and we do not consider this loss would be fully compensated for by the existence of Radio X in the market. However, we consider that this potential narrowing of range would be likely to be offset by the fact that the replacement Format (for Greatest Hits Radio) would include requirements to play classic rock hits and classic album tracks (both of which are part of the current Format for Absolute Radio) and contain other elements which provide a point of difference with the Formats of other services with which it is likely to overlap in programming terms, such as Gold. We therefore consider, on a preliminary basis, that the range of programmes available by way of relevant independent radio services in the Greater London area would not narrow overall. We are therefore minded to be satisfied in relation to statutory criterion (b).

Bauer’s request under statutory criterion (d)

- 3.17 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.
- 3.18 In requesting the change under criterion (d), Bauer submitted original quantitative market research conducted among adults living in Greater London. The top-line results of the survey are set out by Bauer in its Format Change Request to Ofcom, reproduced at Annex 6.
- 3.19 The primary objective of the research was to measure the potential appeal to listeners of different radio station formats based on music preferences. The overall sample comprised 935 adults aged 15-64 living in Greater London and was conducted online by the research agency Edison.
- 3.20 Bauer contends that the results of the research demonstrate that there is greater demand among Greater London listeners (aged 15-64) for its proposed ‘Greatest Hits Radio’ format compared to the existing Absolute Radio format.
- 3.21 Respondents were presented with a number of different music formats representing Greatest Hits Radio and the main music formats already available on analogue radio stations in Greater London (FM only), in addition to a handful of other music formats only available via digital radio (Bauer has omitted the latter from its research summary). These were presented to respondents through a written format description (although no station names were given), and respondents were also played a montage of five music tracks illustrative of each format.

- 3.22 Given that we provisionally consider that statutory criterion (b) is met, and meeting one statutory criterion is sufficient for the request to be considered in relation to our policy criteria, we have not considered it necessary to reach a view on whether statutory criterion (d) is also met.

Policy criteria

- 3.23 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).
- 3.24 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 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.
- 3.25 Our policy guidance states that the time which has elapsed since a licence was first awarded is a relevant factor, as a licensee’s need to adapt to audiences changing over time is understandable, whereas a change soon after award may be inconsistent with the licensing process whereby stations define their own Formats in their licence application. This Greater London FM licence was awarded (to Virgin Radio) over 25 years ago, in October 1994. Ofcom recognises that audiences change over time, and that, consequently, stations need to adapt in parallel.
- 3.26 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.
- 3.27 Accordingly, having reached the preliminary view that there is evidence that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living in Greater London, and that there are no policy reasons for refusing the request, we are minded to consent to Bauer’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 **Wednesday 10 March 2021**.
- 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 absolute.consultation@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 five 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 late March.
- 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: Absolute Radio (London) 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. Existing Format of Absolute Radio

Service name

| |
|-----------------------|
| ABSOLUTE RADIO |
|-----------------------|

| | |
|-----------------------|----------------|
| Licence number | AL000173 |
| Licensed area | Greater London |
| MCA population | 7,045,749 |
| Frequency | 105.8 MHz |

Character of Service

| | |
|--|---|
| A ROCK-ORIENTED STATION COMBINING NEW MUSIC WITH CLASSIC ALBUM TRACKS, AIMED AT 25-44 YEAR-OLD LONDONERS. | |
| Service duration | 24 hours |
| Locally-made programming | Studio location: Locally-made programming must be produced within the licensed area. |
| | Locally-made hours: At least 10 hours per day during daytime weekdays (must include breakfast) and at least 4 hours daytime Saturdays and Sundays, unless the service broadcast under the licence is an Approved Version of the Service, in which case no programming need be locally-made. |
| | Programme sharing: No arrangements. |
| Local news | At least hourly at peaktime weekdays and weekends, unless the service broadcast under the licence is an Approved Version of the Service, in which case UK and international news bulletins will be broadcast at least hourly during peaktime, and may feature at other times outside of peak. |

Definitions

| | |
|--|--|
| Speech / Music | 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 |
| Approved version of the service | <p>An “Approved Version of the Service” for the purposes of this Licence is one that corresponds to the Absolute Radio service carried on the Digital One multiplex (licence no. DM001).</p> <p>It will so correspond if in every calendar month:</p> <ul style="list-style-type: none">(a) at least 80 per cent of the programmes on each service are the same; and(b) at least 50 per cent of the programmes are broadcast at the same time on both services. |

Notes

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

Last updated: April 2011

A6. Format change request from Bauer Radio

| | |
|--|----------------------------------|
| Date of request: | 4 December 2020 |
| Station Name: | Absolute Radio (London) AL173 |
| Licensed area and licence number: | Greater London |
| Licensee: | Bauer Radio 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>A rock-oriented station combining new music with classic album tracks, aimed at 25-44 year-old Londoners.</p> |
| | <p>Proposed new Character of Service:</p> <p>A station playing classic pop and rock hits of the 70's, 80s and 90s with specialist features, music documentaries and a classic album tracks show, plus local news and information aimed at 25-54 year-old Londoners.</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><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Current obligations:</p> <p>Locally made hours: At least 10 hours per day during daytime weekdays (must include breakfast) and at least 4 hours daytime Saturdays and Sundays, unless the service broadcast under the licence is an Approved Version of the Service, in which case no programming need be locally-made. Local news:</p> |

| | |
|--|--|
| | <p>At least hourly at peak-time weekdays and weekends, unless the service broadcast under the licence is an Approved Version of the Service, in which case UK and international news bulletins will be broadcast at least hourly during peak-time, and may feature at other times outside of peak.</p> |
| | <p>Proposed new obligations: Locally made hours: At least 3 hours a day during daytime weekdays Local news: At least hourly during daytime weekdays and peak-time weekends</p> |

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.³

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.⁴

³ Available at https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

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

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.

(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;

The departure would not narrow the range of programmes available. At present there are 19 other local analogue commercial radio services with a wide variety of formats available in the Greater London area:

Commercial stations and formats

- **Capital** A locally oriented, mainstream popular music-led service for under 40s in London
- **Capital Xtra – North London** Targeted music, news and information service primarily for listeners of African and Afro-Caribbean origin in the North London area but with crossover appeal to other listeners who appreciate urban contemporary black music
- **Capital Xtra – Brixton** A targeted music, news and information service primarily for listeners of African and Afro-Caribbean origin in the Brixton area but with crossover appeal to other listeners who appreciate urban contemporary black music
- **Gold** A classic pop hits station targeted primarily at 35-54 year-olds in the London area
- **Heart** A mainstream popular music-led service for 25 to 44 year-old Londoners, supplemented with news, information and entertainment. The service should have particular appeal to people in their 30s.
- **Kiss** A contemporary and classic dance music station primarily for under 30s. Identifiable specialist music features for at least 36 hours per week.
- **LBC** A 24-hour speech service of news, views, discussions, phone-ins and entertainment for Londoners (with any music for illustrative purposes only)
- **LBC News** A rolling (i.e. 20 or 30 minute) news and information service for Londoners from 0700-1900 weekdays, 0700-1800 Saturdays and 0700-1700 Sundays. At other times the service may be a simulcast over LBC 97.3
- **London Greek Radio** A targeted news, information and broad Greek music service for London's Greek and Greek Cypriot community
- **Love Sport – North London** A 24-hour speech service for Londoners focussing on sports plus some topical content and local information

- **Lyca dil se 1035** An interactive speech-based station targeted at over-35s in the various Asian communities around London, accompanied by a mix of popular forms of music appealing to the target audience. Speech (expected to comprise at least half of daytime, and maybe less out of daytime) may be in English but should encourage a multi-lingual environment
- **Lyca Radio 1458** A full service music and information mix for Asians in London, featuring an appropriate variety of cultures and styles, with news bulletins in English and/or Hindustani
- **Magic** an easy-listening soft music-led service aimed at the more mature Londoner (at least over 35) and distinctive for its relaxed ambience
- **Panjab Radio** The service will be known as Panjab Radio and will provide a service aimed at the Panjabi community. The service will be broadcast in Panjabi and English languages
- **Premier Christian** A full service of speech and music for the Greater London area which reflects and proclaims the worship, thought and action of the Christian faith
- **Radio Jackie** A full service of broad music, news, community issues and information for people living and working in the Kingston-upon-Thames area
- **Radio X** A rock and alternative music station targeted at 15-34 year-old London listeners
- **Smooth** An easy listening station, featuring lifestyle-oriented speech, targeting a London audience aged 50-plus
- **Sunrise** A music-led service for London Asians primarily targeting those aged 15 to 34 with a mix of Asian music and other more mainstream music where appropriate
- **Time FM** A full service of broad music, information and news primarily for 25-44 year-olds in the London borough of Havering and immediate area, with at least 27 hours of soul-related specialist music each week

There are also 12 community radio services with a variety of formats operating within Greater London:

Community stations and general formats

- **The Beat** – Rhythmic contemporary
- **Desi Radio** – Asian
- **Flex FM** – Rhythmic new music
- **Gaydio** – LGBT+
- **Hayes FM** – community
- **Maritime Radio** – community
- **Nomad Radio** – community
- **Nusound** – Asian
- **Reprezent** – Rhythmic new music
- **Resonance** – Arts
- **Rinse FM** – Rhythmic new music
- **Westside Community Radio** - community

The change would only affect the FM frequency of Absolute Radio in London. The existing service would remain available on analogue on AM and on DAB digital radio, Digital TV and IP across London.

In terms of music, the change would remove new music but retain classic rock and album tracks. As a result the current age target of the station (25-44) would move older. However, there remain a number of stations targeting the 25-44 age range including Heart, Capital and Radio X (the latter also playing rock). The average age of listeners to the existing Absolute station in London is 41.

While Gold has a classic hits format, the music it plays is much older than the new format proposed here, comprising 45% of music from the 1950s and 60s.

The existing service takes advantage of the ability to provide only national and international news on the basis of providing an approved version of the service on national DAB. The new service would include local news and information for London, so enhancing the service for Londoners.

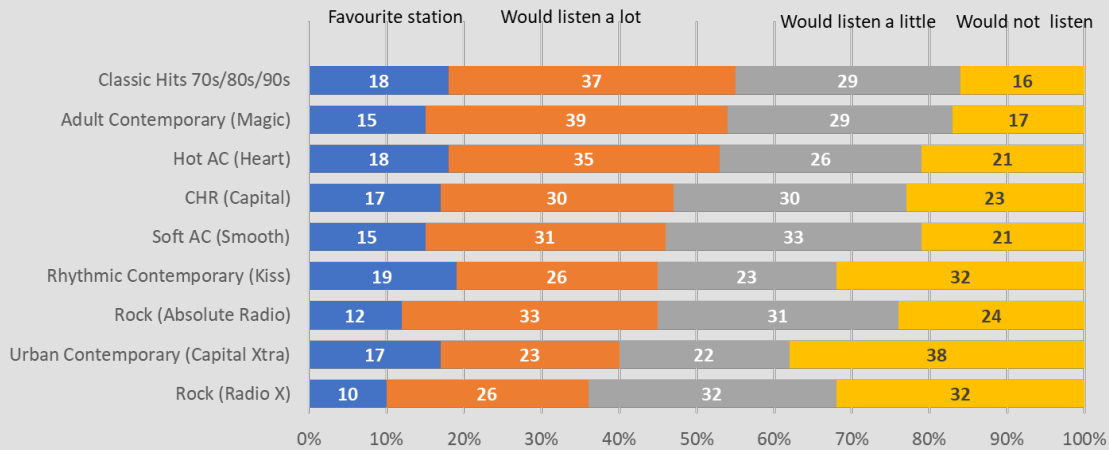
d) that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure

In August 2020 we commissioned Edison to conduct research into how well the proposed new format would fit in the London market.

This research surveyed 935 adults aged 15-64, weighted by age, gender, ethnicity and location to represent the population of London. It tested music preferences by giving respondents a brief verbal description of 9 different types of music followed by a five-track montage representing that format. The tracks selected were based on the 8 existing FM commercial music stations in the London market plus the proposed new format but station names were not given to respondents. Gold, as an AM station, was not tested in this survey, but its format is different from that proposed for the new service as 45% of the plays on Gold are of tracks from the 1950s and 60s, while this station would play music almost exclusively from the 1970s, 80s and 90s.

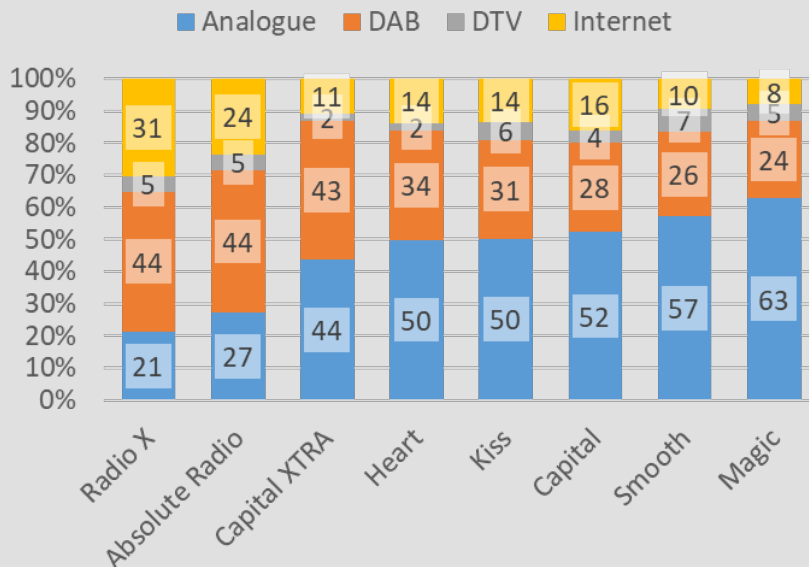
The new format was deemed to be the one that rated highest with 55% of respondents saying it would either be their favourite or they would listen a lot. The next highest with 54% was the Adult Contemporary format played by Magic. The proposed format was significantly more popular than the Absolute Radio rock music format which scored 45%.

How often do you think you would listen to this type of station?



Rajar analysis shows that a significant majority of existing Absolute Radio listeners listen on digital platforms, Only 27% of hours are currently represented by analogue listening – the lowest proportion of any London FM music station apart from Radio X. (Note: this was before Covid 19 since when we believe the proportion of digital listening has generally increased.) As Absolute Radio would continue to be available on all digital platforms as well as AM, the potential amount of disenfranchisement of Absolute listeners would be small. We also expect that a significant proportion of those listeners would choose to listen to the new format.

Platform Listening by Station in London TSA



Source Rajar Q1 2020

While outside the statutory criteria the majority of listening in London is now digital and there are many more formats available on DAB in London (including Absolute Radio itself) and including close competitors to Absolute Radio such as Virgin Radio.

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 policy⁵ and also Ofcom’s Localness guidance, which includes our co-location and programme sharing policy.⁶

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

⁶ Available at <http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>

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 [here](#) for further information about how Ofcom handles your personal information and your corresponding rights.

A7. Other commercial and community radio stations in the Greater London 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 Greater London (105.8 FM) licence area. Links are provided to their Formats (commercial stations) or Key Commitments (community stations).

Commercial radio stations

Asian FX (North London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000172.doc>

Capital (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000067.doc>

Capital Xtra (Brixton)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000041.doc>

Capital Xtra (North London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000255.doc>

Gold (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000066.doc>

Heart (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000174.doc>

Kiss (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000053.doc>

LBC (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000008.doc>

LBC News (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000007.doc>

London Greek Radio (North London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al100200.doc>

Lyca Dil Se (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000160.doc>

Lyca Radio (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000156.doc>

Magic (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000051.doc>

Panjab Radio (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000050.doc>

Premier Christian Radio (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000176.doc>

Radio Jackie (Kingston-upon-Thames FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al100669.doc>

Radio X (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000196.doc>

Smooth Radio (Greater London FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al000039.doc>

Sunrise Radio (Greater London AM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al100581.doc>

Time 107.5 (Havering FM)

<http://www.ofcom.org.uk/static/radiolicensing/analogue/formats/al100803.doc>

Community radio stations

Asian Star Radio (Slough FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000067.pdf>

Desi Radio (Southall AM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000061.pdf>

Flex FM (Wandsworth FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr101737.pdf>

Gateway 97.8 (Basildon FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000218.pdf>

Hayes FM

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000073.pdf>

Insanity Radio (Egham FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000217.pdf>

Maritime Radio (Greenwich FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr101734.pdf>

Nomad Radio (Hammersmith & Fulham FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr101743.pdf>

NuSound Radio (Newham FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000069.pdf>

Phoenix FM (Brentwood FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000075.pdf>

Reprezent 107.3 (Lewisham FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000224.pdf>

Resonance FM (Central London FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000060.pdf>

Rinse FM (Inner London FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000225.pdf>

Revive FM (Newham FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr101746.pdf>

The Beat (Harlesdon FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000068.pdf>

Vibe 107.6 (Watford FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000216.pdf>

Westside Radio (Southall FM)

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000072.pdf>