
Section 355 Review of Output

KCFM (Kingston upon Hull)

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 a formal request from Lincs FM Group to transfer the analogue radio licence for Kingston upon Hull (broadcasting as KCFM), held by its subsidiary company Planet Broadcasting Company Limited, to Nation Broadcasting Investments (East) Limited ('Nation Broadcasting'). The licence was transferred to Nation Broadcasting, following the granting of Ofcom's consent, on 28 February 2019.

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

Ofcom's assessment of the output of KCFM (prior to the change of control)

The Character of Service of KCFM's licence is:

A FULL SERVICE STATION FOR KINGSTON UPON HULL PLAYING BROAD MUSIC WITH NEWS AND INFORMATION.

KCFM'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, KCFM provided local live news bulletins of around three minutes duration hourly from 6am to 7pm, and at weekends from 8am to 12pm. The bulletins included a mix of national and local

news but with a heavy bias towards stories from the Hull area. During weekday morning peaktimes an additional bulletin featured at 30 minutes past the hour dedicated to local news and sport. The bulletins were produced by a team of three journalists based at KCFM's studios in Hull.

KCFM's daily schedule featured local weather, travel and traffic bulletins at least twice an 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 course of the hour. During weekend peak times, these broadcasts appeared once or twice an hour. Information about local events also featured throughout the station's programming.

Weekly programming features included 'Take the Cake', broadcasting the delivery of a cake to a local individual or business; 'Unplugged' giving local unsigned acts the chance to have their music played on Saturdays; a 90s show on Saturday nights and an 80s show on Sunday nights. There was also a 30-minute speech-based farming programme aired on Sunday mornings.

All programming, with the exceptions of the farming programme and the Sunday afternoon Top 30, was locally-made at KCFM's studios in Hull. It was therefore greatly exceeding the minimum hours of locally-made programming specified in its Format (10 hours per day during weekday daytimes, and 4 hours during daytime on each of Saturday and Sunday).

The new owner's plans

A brand licence agreement has been agreed with Bauer Radio Limited, the new owners of the Lincs FM Group, for the continued use by Nation Broadcasting of the name 'KCFM' and the provision of up to 116 hours per week of programming from Lincs FM Group which may be shared with other Lincs FM stations.

Nation Broadcasting has submitted a Format Change request to remove the term "full service" from KCFM's existing Character of Service, and to reduce the amount of locally-made programming hours to three per weekday, with none at weekends, which is the minimum level of local production required by Ofcom's revised localness guidance published in October 2018. Following the completion of this review, Ofcom will now consider this Format Change Request.

There are no plans by Nation Broadcasting to broadcast KCFM from anywhere other than from its licensed area, or to share any of its required locally-made hours with other services.

There are also no planned changes to the existing levels of local news provision, and the service will continue to provide regular local weather and travel bulletins.

Nation Broadcasting says it plans to review the ongoing provision of the Sunday morning farming programme because, as it is a programme produced for KCFM by Lincs FM, it may no longer be available to it.

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 service provided under the Kingston upon Hull 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.

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