
Section 355 Review of Output

High Peak Radio/Ashbourne Radio (Buxton)

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 9 July 2019, Ofcom received notification from High Peak Radio Limited that agreement had been reached to sell all the shares in the company to Imagine FM Limited. High Peak Radio Limited holds the FM local commercial radio licence for Buxton, a geographically large licence area which covers parts of the Peak District and the Derbyshire Dales. Prior to the change of control taking place, the company broadcast two separate services under this licence – High Peak Radio (on three FM transmitters) and Ashbourne Radio (on two FM transmitters). In November 2019, under the new owners, these were replaced by a single programme service, branded as 'Imagine Radio'.

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

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

The Character of Service of the Buxton licence is:

A LOCALLY ORIENTED, BROAD MUSIC AND INFORMATION STATION FOR 25 TO 54 YEAR-OLDS IN THE BUXTON AREA (WITH 'SPLIT' PROGRAMMING FOR ASHBOURNE AS APPROPRIATE).

In reviewing the station's output prior to the change of control, it was noted that the Buxton licence provides an option for the licensee, to the extent it considers appropriate, to broadcast separate

programming for the Ashbourne area. This flexibility was fully utilised by the previous licensee, who, as described above, provided two different programme services on different transmitters, in the form of High Peak Radio and Ashbourne Radio.

The Format required the licensee to broadcast locally-made programming, including local material, for at least 10 hours during each weekday daytime¹ and for at least four hours during daytime on weekend days. In the three months prior to the change of control, High Peak Radio's output was produced and broadcast from the station's studios based at Chapel-en-le-Frith, while the Ashbourne Radio service came from studios in Ashbourne. The two stations broadcast entirely separate programming with the exception of the weekday afternoon drivetime show, which was shared between the two stations, but with 'opted out' local content relevant to each area. No networked or syndicated programmes were broadcast by either service, with all programming broadcast from within the licence area.

Prior to the change of control, the Format of the Buxton licence required 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. High Peak Radio and Ashbourne Radio both provided local news relevant to their respective geographical areas hourly on the half-hour during weekday daytimes between 7am and 7pm, and at weekend late breakfast. National and international news from Sky/IRN was broadcast at the top of each hour. Local news bulletins were generally two minutes in duration and were produced in-house.

Local weather forecasts were broadcast hourly after the top-of-hour national news throughout daytime, with travel news bulletins airing at weekday breakfast and drivetime, and at other times when there were incidents to report.

'Community noticeboard' and local 'what's on' features were broadcast regularly throughout both station's output, including during off-peak hours. The High Peak Radio service broadcast a Saturday afternoon sports show (2-6pm) which had a particular focus on the area's non-league football teams such as Buxton and Glossop North End.

The new owner's plans

Following the change of control of High Peak Radio Limited, the new owners of the licence submitted a Format Change Request to Ofcom requesting the following changes to the Format, as follows:

- To reduce the required number of local programming hours from ten to three per day on weekdays, and from four to none on weekend days.
- To provide local news bulletins at least hourly throughout daytime on weekdays.
- To produce locally-made programming hours anywhere within the Ofcom approved area of Central England.

Ofcom approved this request in September 2019. Our reasons for doing so, and the request from Imagine FM Limited in full, can be found [here](#).

¹ 06:00 to 19:00

The new owners of High Peak Radio Limited have further plans to co-locate and share all output (including the local hours of production) with the local commercial radio licence for Stockport, which also broadcasts as 'Imagine Radio' and is owned by the same parent company. As the Stockport and Buxton licences are currently located in different Ofcom 'approved areas', this request will be subject to a public consultation.

Recommended variations to the licence

Based on our assessment of the station's output in the three months prior to the change of control, and the new owner's stated plans, it does not appear to us that the change of control of the Buxton licence would be prejudicial to any of the following three matters:

- 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.

We note the Format of the Buxton licence still provides flexibility for the licensee to provide separate 'opted out' programming for the Ashbourne area if it so wishes. Given the small population size of the licence area, and the economic challenges that stem from this, we do not believe that it would be appropriate to make the previous owners' particular arrangements for providing editorial coverage of the Ashbourne area a mandatory requirement of the Format, under section 356 of the Act. We have reminded the new owners, however, that in accordance with our localness guidelines², we expect the service to include local material which is directly relevant to listeners in all parts of its licensed area.

We are not therefore proposing any variations to the licence.

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² <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/radio-broadcasters/localness>