
Connect FM (Peterborough)

Request to change Format

STATEMENT:

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1. Overview

Connect Radio Limited, which is wholly owned by Communicorp UK Limited ('Communicorp'), holds an FM commercial radio licence for Peterborough, broadcasting as 'Connect FM'. Communicorp submitted a request to change its Format and, following the changes, intends to relaunch the service as 'Smooth Radio'. As the proposed Format change would constitute a significant departure from the 'Character of Service', the request was subject to public consultation.

What we have decided – in brief

Ofcom has decided to approve the Format change request submitted by Communicorp concerning the FM commercial radio licence for Peterborough.

The 'Character of Service' in the published Format for the Peterborough licence will change from "A very locally-focused broad music and information service for 25-44 year-olds in the Peterborough area" to, "An easy listening station featuring lifestyle orientated speech, targeting an audience aged 40 plus".

In addition to its request to change the 'Character of Service' of this licence, which we consulted on, Communicorp also asked to make changes to requirements in its Format relating to how much locally-made programming it must provide, where that locally-made programming can be broadcast from, and whether it can share the locally-made programming with other services.

All of these changes have also now been approved, following [Ofcom's decision to approve a parallel request from Communicorp to create a new 'approved area'](#) for this and two other licences.

2. Statutory and policy criteria

2.1 Ofcom may consent to a departure from the character of a licensed local commercial radio service (a “Format change”) in accordance with section 106 (1A) of the Broadcasting Act 1990 (the “1990 Act”) only if it is satisfied in relation to at least one of the following criteria:

- 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, in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition;
- 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)).

2.2 Under section 106ZA of the 1990 Act, a change that is not considered by Ofcom to 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 solely 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.

2.3 Even if Ofcom is satisfied that the proposed change would meet one of the statutory criteria, we still have discretion as to whether or not to agree to the change. Ofcom has [published guidance](#) about how it generally expects to exercise this discretion. This guidance refers in particular to the following criteria:

- the extent of the impact of the change on the Character of Service;
- the time elapsed since the licence was awarded;
- considerations taken into account in making the original award;
- the views of listeners and stakeholders; the avoidance of ‘format creep’;
- whether the station broadcasts on AM or FM; and
- Ofcom’s statutory localness and other obligations.

3. Ofcom's analysis and decision

- 3.1 The requested Format change is in anticipation of plans to relaunch the Peterborough service as 'Smooth Radio'.
- 3.2 The change to the 'Character of Service' requested by Communicorp as part of its Format Change Request would significantly affect the nature of the station's programming and target audience, which would necessitate a substantial alteration of the service's existing published Character of Service. As such, this part of the request did not meet the requirements of criterion (a) in Section 106(1A) – that the departure would not substantially alter the character of service.
- 3.3 Ofcom therefore consulted on this aspect of the request in accordance with Section 106ZA. In the [consultation](#) we set out that, subject to consideration of any responses, we were minded to grant Communicorp's request in relation to its Peterborough licence on the basis that criterion (b) of Section 106(1A) had been met and because we could not see any policy reasons to refuse the request.

Summary of consultation responses

- 3.4 Ofcom received no responses to this consultation.

Ofcom's assessment and conclusions

Change to the character of service

- 3.5 Following the public consultation, we remain of the view that criterion (b) of Section 106(1A) is met, as there will not be a narrowing of the range of programming (in relation to local analogue radio services) available to listeners in the Peterborough area¹. We are also satisfied that there are no policy reasons to reject the request.
- 3.6 This is because there will remain analogue local radio services broadcasting to the Peterborough area (specifically, Heart and Peterborough Community Radio) that have requirements to provide general local content, so the range of available programming would not be reduced in that respect.
- 3.7 In terms of the audience demographic the Connect FM Peterborough licence is required to cater for under its existing Format (25 to 44-year-olds), Heart caters for those aged under 44 in Peterborough and the target audience of Kiss (under-30s) also overlaps, albeit to a lesser extent. While the new 40+ target audience of this licence overlaps with that of Gold, there remains a mixture of broadly 'older' and broadly 'younger' local commercial radio services available to listeners in the Peterborough area.

¹ As set out in the consultation, the other analogue local commercial radio stations available in the Peterborough area are Kiss (East of England), Heart (Peterborough) and Gold (Peterborough). The local analogue community radio services available are Peterborough Community Radio and Salaam Radio.

- 3.8 In terms of music, the previous ‘Character of Service’ already afforded Connect FM some flexibility in relation to the music it played, although it had to be within the context of a “broad” music policy, appealing to 25 to 44-year-olds. The focus on easy listening music may alter the range of music played by the station, but there remains a variety of music programming available to the local audience, given the Formats of Kiss and Heart and the music commitments of Peterborough Community Radio.
- 3.9 We have also considered whether we should exercise our discretion to approve the requested changes where relevant statutory criteria are met, taking account of our [published policy criteria](#) on Format changes.
- 3.10 In our criteria, we have stated 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. As a substantial period has elapsed since the Peterborough licence was first awarded in 1999, we recognise that audiences evolve over time and the station may need to adapt consequently.
- 3.11 In relation to some of our other policy criteria, we considered that the original licence award was not heavily dependent on a specific commitment in the Format which is now to be changed or removed, and that this request does not amount to ‘Format creep’ (whereby a licensee makes a series of small changes that could amount to a substantial alteration to the Character of Service).

Programme sharing and co-location requests

- 3.12 Separately, and also following a consultation, [Ofcom has agreed a request from Communicorp to create a new ‘East Midlands and Peterborough’ approved area](#). This would enable the required hours of locally-made programming for the Peterborough licence to be broadcast from any location within this new approved area, and allow the licensee to share the locally-made programming with other commercial radio stations based in the new approved area.
- 3.13 Following this decision, we are now able to approve the aspects of the Peterborough Format Change Request relating to how much locally-made programming the station must provide, where that locally-made programming can be broadcast from, and whether it can share the locally-made programming with other services.
- 3.14 With regard to the request to broadcast locally-made programming hours from anywhere within the new approved area of the East Midlands and Peterborough, Ofcom was satisfied in relation to section 106(1A)(e) of the Broadcasting Act 1990, on the basis that the change requested, if approved, would result in programmes included in the licensed service being made at premises within the East Midlands and Peterborough approved area.
- 3.15 In considering the request concerning the amount of locally-made programming the station must provide, we were satisfied in relation to section 106(1A)(a) – that the reduction in the number of locally-made hours would not substantially alter the character

of the service. This is because the proposed new amount of locally-made programming is consistent with our localness guidelines, and because we will continue to expect the licensee to provide a local service that includes, as well as the level of news specified in its Format, sufficient other local material to deliver the character of service, regardless of where the content is being broadcast from.

- 3.16 We were also satisfied in relation to section 106(1A)(a) with regard to the request to share all locally-made programming hours with the East Midlands licence, in addition to the programme sharing permissions it already has with the Kettering, Corby and Wellingborough licence. Again, this request is consistent with our localness guidelines, and we will continue to expect the licensee to provide a local service that includes sufficient local material relevant to listeners in its individual licensed area to deliver the required character of service.
- 3.17 As a matter of general policy, we are content to approve Format change requests relating to locally-made programming and programme sharing which are consistent with our published localness guidelines on these matters.