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## **Section 355 Review of Output**

Minster FM (York and Northallerton)

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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 20 March 2019, Ofcom received notification from UKRD Group Limited that agreement had been reached to sell the analogue radio licences for York and Northallerton, held by Minster Sound Radio (York) Limited and broadcasting as 'Minster FM', to Bauer Radio Limited ('Bauer'). The acquisition of this and other licence-holding companies ultimately owned by UKRD Group Limited was completed by Bauer on 31 March 2019.

Ofcom has now carried out its review under section 355 in relation to the York and Northallerton licences formerly owned by Minster Sound Radio (York) Limited. In doing so, we have reviewed the output provided under the licences in the three months prior to the change of control taking place, and considered information provided by Bauer with regard to the future programming of the service provided under the licences.

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

The characters of service for the York and Northallerton licences are, respectively, as follows:

*A broad hits-based station providing local information for York and adjacent areas, with a strong commitment to local news.*

*A broad hits-based station providing local information for 25 to 54 year-olds in the Northallerton area, with a strong commitment to local news.*

The two licences allow the services to co-locate and share all of their local programming hours.

In the three months preceding the change of ownership, Minster FM broadcast 24 hours per day of locally-made programming,<sup>1</sup> apart from one three-hour programme per week. This greatly exceeded the Format requirement for 10 hours per day on weekdays, and four hours per day at weekends. Minster 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.

In fact, on weekdays Minster FM provided locally-produced news bulletins of between one and three minutes duration hourly throughout daytime (7am – 6pm), and at weekends from 8am to 12pm. There were also local bulletins provided on the half-hour at weekday breakfast, in addition to the top-of-hour bulletins. They were produced by a team of two journalists working for Minster FM.

Local weather information was presented once per hour on weekdays. At weekends, it was provided at least once hourly between 6am and 7pm.

On weekdays, local travel news was broadcast three times per hour during weekday breakfast and drivetime, with one scheduled bulletin every hour between 10am and 3pm. On Saturdays, travel news was aired six times between 6am and 6pm, and twice per hour between 10am and 6pm. On Sundays, there were two bulletins per hour between 10am and 4pm, and four times between 4pm and 7pm. 'What's on' bulletins also featured throughout the station's programming.

Specialist or themed programmes broadcast included guest interviews during the weekday breakfast slot, and an hour-long local music slot on Fridays. The station also broadcast a syndicated country music show on Sunday evenings, which included interviews and other speech content.

## The new owner's plans



## Recommended variations to the licences

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 York and Northallerton licences 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.

In particular, we do not consider that Minster FM 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 any of these matters.

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

*April 2020*

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<sup>1</sup> Locally-made programming defined as programming made within the licence area or wider 'approved area.'