

## **Statement on the Heart Cornwall Format Change Request**

A request from Global Radio on behalf of Atlantic Broadcasting Ltd ('Atlantic'), the holder of a local FM licence for Cornwall, to change the Format of Heart Cornwall was discussed by Ofcom's Broadcast Licensing Committee ('BLC') at its meeting on 09 October 2012. The Committee decided to reject the request, meaning that the station's Format will remain unchanged.

The Character of Service (as set out in Heart Cornwall's existing published Format document) is as follows:

**A FULL SERVICE LOCAL STATION SPECIFICALLY FOR CORNWALL, WITH SPEECH AN IMPORTANT PART OF THE CONTENT. IT WILL FEATURE LOCALLY-FOCUSED NEWS, INFORMATION AND SPEECH CONTENT MIXED WITH ADULT-ORIENTATED POPULAR MUSIC FOR A BROAD AUDIENCE WITH PARTICULAR APPEAL FOR LISTENERS AGED 25-54.**

The new Character of Service proposed by Atlantic was:

**A LOCALLY ORIENTED MUSIC AND INFORMATION STATION FOR CORNWALL, FEATURING ADULT-ORIENTED POPULAR MUSIC FOR A BROAD AUDIENCE WITH PARTICULAR APPEAL FOR LISTENERS AGED 25-54.**

Given that the proposal affected Heart Cornwall's core requirement to be a "full service local station specifically for Cornwall, with speech an important part of the content", and would require a significant rewording of its Character of Service, the executive determined that the request, if granted, would represent a significant change to the character of the station's existing service. In line with statute, the proposed changes were therefore subject to a public consultation which ran for four weeks until 12 September 2012.

We received 12 non-confidential responses to the consultation. Of these, the overwhelming majority (nine) were against the change being permitted, arguing that the potential reduction in local (i.e. Cornwall-specific) content would reduce choice for listeners in the area. A number of respondents also commented that the proposed change would be inconsistent with the Cornwall licence award statement issued by Ofcom in 2005, which highlighted locally-focused speech provision as a significant point of difference between Atlantic FM and Cornwall's other existing local commercial radio service, Pirate FM.

The non-confidential responses may be found, along with the consultation document, at:

<http://stakeholders.ofcom.org.uk/consultations/heartcornwall/>

Ofcom has the ability to consent to Format changes under conditions included in each local analogue commercial radio licence, in accordance with Section 106(1A) of the Broadcasting Act 1990, if it is satisfied that at least one of the following criteria is met:

- a. The departure would not substantially alter the character of the service
- b. The change would not narrow the range of programmes available in the area by way of relevant independent radio services
- c. The change would be conducive to the maintenance or promotion of fair or effective competition
- d. There is evidence that, amongst persons living in the affected areas, there is a significant demand for, or significant support for, the change

e. That the change would result from programmes in the licensed service ceasing to be made at premises in the area, but those programmes would continue to be made wholly or partly at premises within an area approved by Ofcom.

For the reasons already noted, Ofcom did not consider that the request met criterion (a). In addition, in considering the request following the consultation, the BLC took the view that criterion (e) was not relevant as there was no proposal to change the location where programmes included in the service are made (such a request had already been approved by Ofcom in March 2012<sup>1</sup>), and criteria (c) and (d) were not applicable as Heart Cornwall had not submitted any evidence to make a case under these criteria. Consequently, the BLC's discussion focused around whether it was satisfied in relation to section 106(1A)(b), as it was required to be so satisfied, before it could decide whether or not to agree to Atlantic's request.

At the outset of its discussion, the BLC noted that the requirements contained in the Format of Pirate FM, the only other local station serving the majority of the area covered by Heart Cornwall, were quite general ("A locally-orientated, broad music and information station for Cornwall").

Therefore, it appeared to BLC members that Atlantic's request would remove, or significantly dilute, most, if not all, of the Format requirements which make Heart Cornwall's Format distinctive from that of Pirate FM. These are as follows:

- The requirement to deliver a "full service" of output. Ofcom's Format guidance published on our website<sup>2</sup> defines a "full-service" station as one that "stands apart from more mainstream stations by virtue of its wide appeal and its generous, creative speech content."
- The requirement that "speech [is] an important part of the content". This obligation means that we would expect the levels of speech on Heart Cornwall, particularly during weekday daytime hours, to be reasonably substantial (for example, under the station's original long-form Format prior to June 2008, speech was required to account for between 30% and 50% of weekday daytime output). While a specific percentage of speech is no longer included in the Format description, we would expect the amount of speech to be broadly in keeping with that previously stated explicitly, in order to keep within the spirit of the licence.
- The requirement that the station is "specifically for Cornwall". This commitment means that the station should feature significant amounts of Cornwall-specific (as opposed to more general) speech content, and is a reflection of the requirement contained in the station's original long-form Format that: "The purpose of this station is to provide a Cornish rather than regional approach to the needs of local listeners."
- The requirement that Heart Cornwall "will feature locally-focused news, information and speech content". While the minimum number of hourly local news bulletins the station is required to broadcast is set out in the 'local news' section of its Format, this commitment contained in the Character of Service reflects the importance placed upon local news, information and speech in relation to the output of the station as a whole.

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<sup>1</sup> Details of this decision at: [http://stakeholders.ofcom.org.uk/binaries/broadcast/radio-ops/formats/Atlantic\\_FM.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/radio-ops/formats/Atlantic_FM.pdf)

<sup>2</sup> Available at: <http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/about-formats>

The conclusion of the BLC, therefore, was that the proposed changes should be rejected by Ofcom on the basis that the departure from the existing Format would narrow the range of programmes available to listeners in Cornwall by way of independent radio services.

Given that the BLC did not consider that any of the relevant statutory criteria had been satisfied, it did not need to consider the request in relation to Ofcom's published policy criteria.