
Section 355 Review of Output

2BR

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.

In July 2018, Ofcom was notified by the UKRD Group that it was in discussions to sell the three FM local commercial radio licences held by its subsidiary company, Lancashire Broadcasting Company Limited, to Global Radio. The licences, which are for the Blackburn, Burley & Pendle and Preston, Chorley & Leyland areas of Lancashire, all broadcast as 2BR and share the same programming. The acquisition was completed on 31 July 2018.

Ofcom has now carried out its review under section 355 in relation to the 2BR licences. In doing so, we have reviewed the output of the licences in the three months prior to the change of control taking place, and considered information provided to it with regard to the future programming on the stations.

Ofcom's assessment of the output of 2BR (prior to the change of control)

The headline 'Character of Service' of each licence is as follows:

Blackburn licence:

A MUSIC AND INFORMATION STATION FOR 25 TO 54 YEAR-OLDS IN THE BLACKBURN, DARWEN, ACCRINGTON AND SURROUNDING AREA, FOCUSING ON LOCAL ISSUES.

Burnley & Pendle licence:

A BROAD MUSIC AND INFORMATION STATION FOR THE BURNLEY AND PENDLE AREA, FOCUSING ON LOCAL AND COMMUNITY ISSUES WITH A STRONG COMMITMENT TO LOCAL NEWS.

Preston, Chorley & Leyland licence:

A LOCAL SPEECH AND BROAD MUSIC STATION FOR PRESTON AND THE SURROUNDING AREA, FEATURING LOCAL NEWS, INFORMATION AND COMMUNITY-ORIENTED PROGRAMMING.

In reviewing 2BR's output prior to the change of control, it was noted that all the licences are required to broadcast locally-made programming, including local material, for at least 10 hours per day during each weekday daytime¹ and for at least four hours per day during daytime on Saturdays and Sundays. The three licences have permissions from Ofcom to co-locate and to share all hours of local programming between themselves.

2BR exceeded the local hours requirement because all of its output was broadcast locally from studios in Accrington, with the exception of evening programming, which comprised continuous music and was produced at UKRD's Minster FM studios in York.

Produced by a team of three in-house journalists, separate local news bulletins for each of the three different licence areas were broadcast, with the content of the bulletins tailored to each locality. On weekdays, local news bulletins of approximately two minutes duration were broadcast at the top of the hour between 06.00 and 19.00, with headlines at 07.30, 08.30 and 17.30. This represented an over-delivery of local news by 2BR, since the station Formats only require local news to be provided at peak-time (i.e. weekday breakfast and drivetime).

At weekends, local news was provided hourly between 09.00 and 14.00, in accordance with the Format requirement.

Local traffic and travel bulletins were broadcast every 20 minutes during weekday peak-time, with hourly bulletins also provided up to 22.00. Local weather forecasts were broadcast every hour during live programming, and local 'what's on' information was broadcast three times per day. Regular community engagement (such as on-air appeals and local "hero" awards) were also a regular feature of 2BR's output.

The Burnley and Preston licences both require that the music broadcast by the station should be "broad" in its range. 2BR's music policy reflected this, with a mixture of current, recent and classic hits, drawn from a variety of different genres. No specialist or 'themed' music programmes were broadcast by the station.

The new owner's plans

Global Radio, the new owners of the licences, plan to relaunch 2BR as 'Capital Lancashire' in 2019. Subject to Ofcom approval, Global plans to request a reduction in local programming hours to three hours per weekday, with none at weekends, the minimum level of local production required by

¹ 06:00 to 19:00

Ofcom's new localness guidance published in October 2018. It is planned, also subject to Ofcom approval, that the local programming hours will be shared with other Capital FM services in the north west of England.

During peak-time programming, Capital Lancashire will feature twice-hourly traffic and travel updates and hourly weather updates, with ad hoc updates during the rest of the station's output. There will also be localised presenter links to promote local events and happenings.

Local news bulletins, of approximately 90 seconds duration, will generally be compiled from Global's regional newsroom in Manchester, and broadcast from 06.00 to 19.00 on weekdays and from 06.00 to noon on Saturdays and Sundays. Two separate local bulletins will be produced - one for the Burnley & Pendle licence and the other for the Preston and Blackburn licences.

The new owners also plan to introduce a specialist dance remix show "The Capital Weekender with Ministry of Sound" on Friday and Saturday nights.

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 2BR licences were broadcasting any programming not already reflected in the existing requirements of each 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 licences.

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