
Section 355 Review of Output

Eagle Radio (Surrey & North East Hampshire)

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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 its wholly-owned subsidiary company, Eagle Radio Limited, to Bauer Radio Limited ('Bauer'). Eagle Radio Limited holds the local FM radio licence for Surrey & North East Hampshire, and broadcasts as 'Eagle Radio'. 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 Eagle Radio. 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 Bauer with regard to the future programming of the service provided under the licence.

Ofcom's assessment of the output of Eagle Radio (prior to the change of control)

The Character of Service of the Surrey & North Hampshire licence held by Eagle Radio Limited is:

A MUSIC-LED, LOCALLY ORIENTED ADULT CONTEMPORARY STATION AIMED PRIMARILY AT 25-44 YEAR-OLDS IN GUILDFORD AND SURROUNDING AREA.

All programming was locally-made at Eagle Radio's studios in Guildford. The station therefore greatly exceeded the minimum hours of locally-made programming specified in its Format (ten hours per day during weekday daytimes, and four hours during daytime on each of Saturday and Sunday).

Eagle Radio'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.

On weekdays, Eagle Radio provided locally-produced news bulletins of between 60 and 90 seconds duration hourly between 6am and 7pm, and at weekends from 7am to 2pm. There were also 90-second local bulletins provided on the half-hour at weekday breakfast, in addition to the top-of-hour bulletins. The bulletins featured a mix of national and local news (generally with at least two local stories per bulletin), and some were pre-recorded prior to transmission. They were produced by a team of three journalists based at Eagle Radio's studios in Guildford.

Local weather information was presented twice per hour during weekday breakfast, and once per hour between 10am and 8pm on weekdays. At weekends, it was provided at least hourly between 7am and 3pm.

On weekdays, local travel news was broadcast at least four times per hour during weekday breakfast and drivetime, with two or three scheduled bulletins every hour at other times up until 9pm. On Saturdays, travel news was aired at least once per hour between 6am and 6pm, with at least two bulletins per hour between 7am and 2pm. On Sundays, there were two bulletins per hour between 7am and 4pm. Information about local and charitable events also featured throughout the station's programming.

Music on Eagle Radio featured a mix of current, recent and older hits reflecting the relatively broad 25-44 year-old target audience and "adult contemporary [music]" remit required by the Format.

Specialist or themed programmes broadcast were 'The Local Showcase' show on Wednesday nights, providing local bands with a chance to have their music aired; plus 'Songs from the 70s' and 'Songs from the 80s' on Sunday nights.

The new owner's plans



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 Surrey & North East Hampshire 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.

In particular, we do not consider that Eagle Radio 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 licence under section 356.

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