



## Analogue Commercial Radio Licence: Format Change Request Form

<b>Date of request:</b>	6 <sup>th</sup> June 2011 (amended 28 <sup>th</sup> September 2011)
<b>Station Name:</b>	CAPITAL FM BIRMINGHAM
<b>Licensed area and licence number:</b>	Birmingham AL046
<b>Licensee:</b>	Global Radio Holdings Ltd
<b>Contact name:</b>	Will Harding

### Details of requested change(s) to Format

<b>Character of Service</b>  <i>Complete this section if you are requesting a change to this part of your Format</i>	<b>Existing Character of Service:</b>  A RHYTHMIC-BASED MUSIC AND INFORMATION STATION PRIMARILY FOR LISTENERS OF AFRICAN OR AFRO-CARIBBEAN ORIGIN, BUT WITH CROSS-OVER APPEAL TO YOUNG WHITE FANS OF URBAN CONTEMPORARY BLACK MUSIC AND AT LEAST 26 HOURS A WEEK OF IDENTIFIABLE SPECIALIST MUSIC PROGRAMMES (TO INCLUDE REGGAE, RnB AND HIP HOP RHYTHMIC-BASED (e.g. DANCE, CLUB etc)).
	<b>Proposed new Character of Service:</b>  A RHYTHMIC-BASED MUSIC-LED SERVICE FOR 15-29 YEAR-OLDS SUPPLEMENTED WITH NEWS, INFORMATION AND ENTERTAINMENT. THE SERVICE SHOULD HAVE PARTICULAR APPEAL FOR LISTENERS IN THEIR 20s AND AT LEAST 12 HOURS A WEEK OF IDENTIFIABLE SPECIALIST MUSIC PROGRAMMES AND INCLUDE PROGRAMMES OF SPECIFIC APPEAL TO LISTENERS OF AFRICAN OR AFRO-CARIBBEAN ORIGIN.
<b>Programme sharing and/or co-location arrangements</b>  <i>Complete this section if you are requesting a change to this part of your Format</i>	<b>Current arrangements:</b>
	<b>Proposed new arrangements:</b>

<p><b>Locally-made hours and/or local news bulletins</b></p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p>	<p><b>Current obligations:</b></p>
	<p><b>Proposed new obligations:</b></p>

The holder of an analogue local commercial radio licence may apply to Ofcom to have the station's Format amended. Any application should be made using the layout shown on this form, and should be in accordance with Ofcom's published procedures for Format changes (available on our website at [www.ofcom.org.uk/radio/ifi/rbl/formats/formats/fc/changeregs/](http://www.ofcom.org.uk/radio/ifi/rbl/formats/formats/fc/changeregs/)).

Under section 106(1A) of the Broadcasting Act 1990 (as amended), Ofcom may consent to a change of a Format only if it is satisfied that *at least* one of the following five statutory criteria is satisfied:

- (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 the departure would be conducive to the maintenance or promotion of fair and effective competition*
- (d) *that 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 (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)).*

Only one of these five criteria need be satisfied in order for Ofcom to consent to the proposed change. However, even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to which Ofcom will have regard when exercising this discretion can be found at: [www.ofcom.org.uk/radio/ifi/rbl/formats/formats/fc/changeregs/](http://www.ofcom.org.uk/radio/ifi/rbl/formats/formats/fc/changeregs/)

Applicants should note that, under section 106ZA of the same Act (as amended), a proposed change that *does not* 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 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. #.

In the event that Ofcom receives a request for Format change and considers that criterion (a) or (e) is *not* satisfied, it will seek confirmation from the applicant as to whether it wishes to proceed with the request (and, if so, whether it wishes to amend or replace its submission in light of the necessity to make it public).

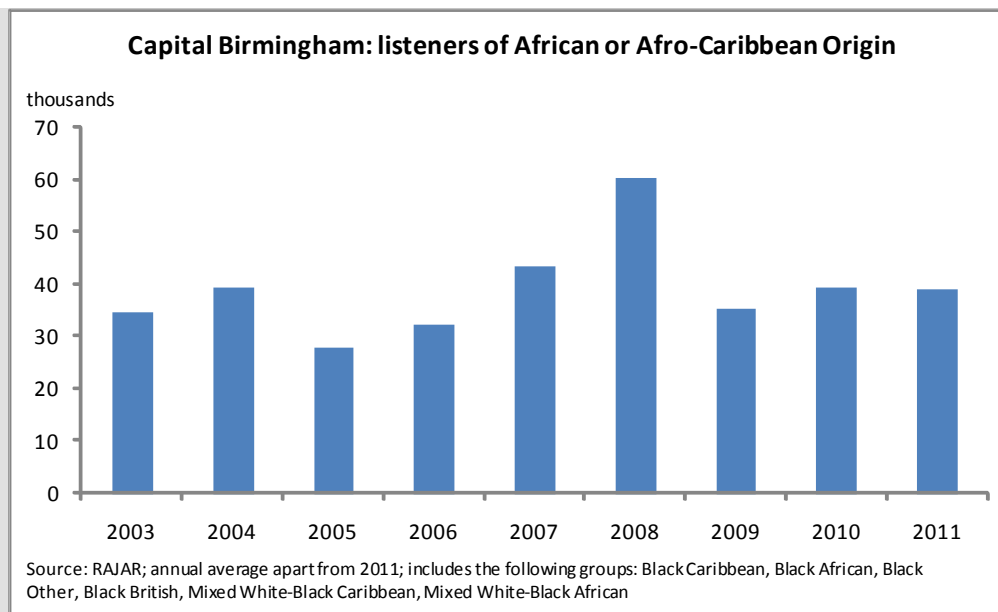
**Please set out the statutory criterion, or criteria, set out in section 106(1A) of the Broadcasting Act 1990 that you believe is/are satisfied in relation to this Format change request, and the reasons for this:**

***Section 106(1A)(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***

The change is being requested to bring the formats of a number of the stations in the Capital FM network into line.

The request to remove the specific reference in the format description to providing a service “primarily for listeners of African and Afro-Caribbean origin, but with cross-over appeal to young white fans of urban contemporary black music” is a reflection of the fact that since the station was licensed in 1995, the genres of rhythmic-based music played by the station, including hip-hop, r’n’b and other urban genres, have grown in popularity and now have broader mainstream appeal. The new format description will better reflect the broad appeal of the station which has been driven by changing music tastes over the past decade and a half. The station will continue to appeal to listeners of African and Afro-Caribbean origin, as it always has done. The change will not narrow the range of programmes available.

The station has grown from a total reach of 14% in 2003 to 21% in the latest RAJAR survey. This growth has been driven by the increasing popularity of the music played by the station, including urban contemporary black music and more mainstream artists influenced by these genres. This overall growth has not come at the expense of a reduction in the appeal of the station to listeners of African and Afro-Caribbean origin. The ongoing appeal of the station to listeners of African and Afro-Caribbean origin is demonstrated by the fact that the station’s reach amongst these listeners remains strong, as shown below.



The station has continued to appeal strongly to listeners of African and Afro-Caribbean origin, with weekly reach amongst these groups at 35% still significantly higher than amongst listeners of other ethnic groups at 21% (RAJAR Wave 12 2011). This strong performance amongst listeners of African and Afro-Caribbean origin is even more pronounced within the 15-29 demographic. Over the past 4 RAJAR surveys, the station has enjoyed an average reach of 61% of 15-29 year olds of African and Afro-Caribbean origin as against 43% for 15-29 year olds overall.

The proposed new format reflects the developments in music tastes and listening since the station was licensed, which have resulted in the genres of rhythmic music played by the station now having mainstream appeal.

The station will continue to offer programming which is distinctive against other licensed commercial radio stations. No other rhythmic-based commercial stations broadcast on analogue in the area served by the station. BRMB has a “chart and contemporary music” format, Heart is a “melodic adult contemporary music-led service for 25 to 44 year-olds”, Kerrang is a “specialist rock music service mixing modern & classic rock”, Smooth is “a melodic music station” targeting a 50+ audience, Gold is a “classic pop hits” station on AM and Radio XL provides a service on AM for the area’s Asian communities.

The proposed new format description will ensure that the service remains distinctive in comparison to the other local commercial services available in the area. This can be demonstrated by a comparison of the music played by stations available in the local area against that played on Capital Yorkshire, a station with a “rhythmic-based” format description on which the proposed new format is based. In the week of 15<sup>th</sup> to 21<sup>st</sup> May the following %’s of Capital Yorkshire’s top 100 tracks were also played on the following stations in the area served by Capital Birmingham:-

- BRMB: 28%
- Heart: 14%
- Smooth: 3%
- Kerrang!: 0%

The largest overlap was between Capital Yorkshire and BRMB, reflecting the current popularity of rhythmic tracks, but nevertheless, over 70% of the tracks played on Capital Yorkshire did not feature in BRMB’s top 100. Overall, 70% of the top 100 tracks on Capital Yorkshire were not in the top 100 tracks played on any of the other FM stations available in the area during the period.

This analysis clearly demonstrates that a rhythmic-based format would be distinctive in the market and the proposed format change would therefore not result in a narrowing of the range of programmes available in the area served by the station.

While no other local commercial radio stations have a specific format obligation to cater for listeners of African and Afro-Caribbean origin, these listeners are increasingly well served by community radio stations.

Since the station launched in 1995, Ofcom has licensed a number of community radio stations. Ofcom lists 7 community radio licensees in the area served by Capital Birmingham and 2 of these stations, New Style Radio and Radio Sandwell have a specific remit to cater for listeners of Afro-Caribbean or African origin. New Style Radio launched in January 2006 as a service for “people of Afro Caribbean heritage and its derivatives”. The service is music-based with around 80% of the music comprised of R&B, reggae, hip hop, house/garage, and soca. Radio Sandwell launched in May 2010 and comprises a mix of music and speech with music output comprising African music, Calypso, Hip Hop, Soca, RnB, Reggae, Gospel, Drum and Bass, Jazz, Dance and Pop.

In addition to new community radio stations, listeners in Birmingham also have additional choice available on DAB digital radio. BBC 1 Extra and Choice FM London both broadcast on DAB in the area. Audiences to these stations in Capital Birmingham’s TSA are growing as DAB set penetration increases. The combined reach of these stations in Capital Birmingham’s TSA has increased from 1%-2% in 2005 to over 4% in the latest survey, which equates to 90k adult listeners.

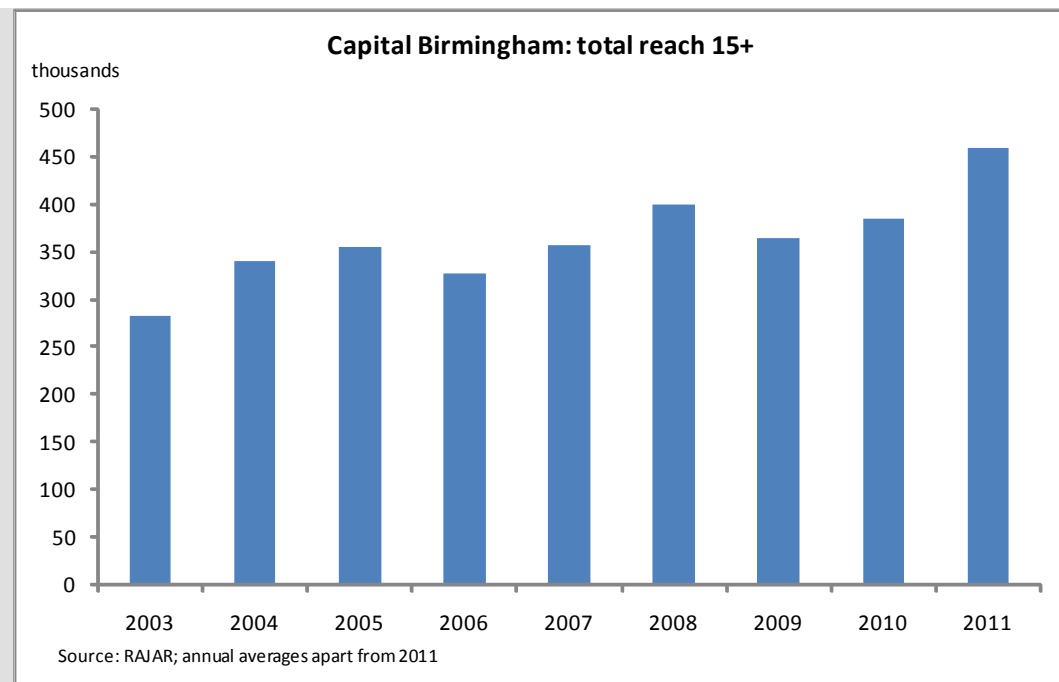
The growth of community radio in particular is a further reason why the removal of the specific reference to “listeners of African and Afro-Caribbean origin” will not result in a narrowing of the range of programmes available to listeners in the area.

The reduction in the number of specialist hours, from 26 to 12, is not a significant change. Specialist programming is broadcast outside of daytime (this was a format requirement up to 2008) at times when audiences are relatively low, so the impact of this change on the overall character of service of the station will be limited. Specialist music is now also much more widely available to listeners through other media, particularly online, than was the case when the station was licensed and there is therefore less of a need for a regulatory requirement for such output on an analogue radio station.

***Section 106(1A)(d) that 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***

The strong audience performance of the station provides the clearest evidence of demand for the proposed change in the format description. As noted above, this growth has been driven by the increasing appeal of the rhythmic music genres played by the station beyond the station’s core audience in the African and Afro-Caribbean communities. The proposed change in format description reflects this development.

As shown below, the total adult reach of the station has grown from 14% in 2003 to 22% in the latest available survey.



**Please provide any additional information and/or evidence in support of the proposed change(s) below. In particular, the applicant may wish to outline how they see that the proposed change fits within Ofcom's published Format change request policy ([www.ofcom.org.uk/radio/ifi/rbl/formats/fc/changereqs](http://www.ofcom.org.uk/radio/ifi/rbl/formats/fc/changereqs)), and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy ([www.ofcom.org.uk/radio/ifi/rbl/car/localness](http://www.ofcom.org.uk/radio/ifi/rbl/car/localness)).**

Ofcom's guidance states that in assessing format change requests, "The judgement will be made on the basis of the overall sound of the station." The proposed change in format description will not result in a substantial change to the overall sound of the station.

Ofcom also "recognises that audiences change over time, and that stations need to adapt in parallel". As shown above, there is clear evidence that the rhythmic-based music played by the station is increasingly popular in the area served by the station and its popularity now extends well beyond listeners in the African and Afro-Caribbean communities specified in the current format description.

The proposed change in format description is also consistent with recent decisions taken by Ofcom, particularly the change agreed in December 2010 to the format of Star Radio (Bristol).

Star's format was changed from "a soulful, adult contemporary music based service, aimed primarily at 30 to 50 year-old Bristolians with local news and information, which also directly involves the multicultural communities through specific programming" to "an easy listening music-based service with local news and information for listeners aged 40+ in Bristol and the surrounding area." This change not only included the removal of the specific reference to "multicultural communities", but also a change to the description of the music genre, which is not the case with Capital Birmingham.

The change to Star's format was approved on the basis that the station would remain distinctive against other commercial radio services in the area and on the basis that it

was no longer necessary to retain a commitment to multicultural programming on the station because 2 community stations had recently launched in the city.

The reduction in the number of specialist hours required by the format is also consistent with Ofcom's approval in August 2010 of changes to Smooth North West's format. In addition to changing the description of the station's music mix, the station's commitment to specialist programming was reduced from 45 hours a week of "specialist jazz programmes" to 12 hours a week of "specialist music programmes".

#### Notes

# Ofcom may approve a change under any of criteria (b) to (d) without consultation, or after a consultation of less than 28 days, if Ofcom considers that to hold a consultation at all, or for 28 days or more, would result in a delay that would be likely to prejudice the interests of the licensee. Ofcom may also remove for the purposes of consultation any confidential information submitted by the licensee.

Version 6 – amended April 2010