



102.2 Smooth Radio (London)  
and  
100.4 Smooth Radio (North-  
West England)  
Request to Change Station Formats

Consultation

Publication date: 14 March 2008

Closing Date for Responses: 11 April 2008



# Contents

Section		Page
1	Summary	1
2	Background	3
<b>Annex</b>		<b>Page</b>
1	Responding to this consultation	4
2	Ofcom's consultation principles	6
3	Consultation response cover sheet	7
4	Consultation questions	9
5	GMG's Request for the change to 102.2 Smooth Radio (London)	10
6	GMG's Request for the change to 100.4 Smooth Radio (North-west)	16
7	Commercial and Community Stations operating in London and the North-West	22
8	The Present new-style Smooth Radio formats for London and the North-West	26
9	Broadcasting Act 1990	28

## Section 1

# Summary

- 1.1 Ofcom has received a request from GMG to remove the requirement on Smooth Radio in London and the North West (stations broadcasting on both FM and on DAB in their respective regions) to provide 45 hours of jazz programmes a week. In addition GMG wishes to remove the obligation in the North West to play “jazz, soul, blues and R&B” as part of its general output.
- 1.2 GMG say that if Ofcom approves the change requests it will provide a 24 hour a day jazz service on DAB in London and the North-west.
- 1.3 The national DAB service provided by The Jazz (operated by GCap Media) is due to close on 31 March 2008. This service had proved popular attracting 364,000 listeners a week. Upon the closure of the Jazz, Classic FM (also owned by GCap Media) has stated that it will provide jazz programming between midnight and 2am each day, although it has no obligation to do so in its licence and could drop this at any time. No other jazz programming is available on commercial radio either on FM or DAB in the UK.
- 1.4 Ofcom would welcome the provision of a 24 hour a day jazz service on DAB in London, the North-west and elsewhere in the UK, either by GMG Radio or any other operator, as this is a clear gap in the market (and one not provided for specifically by the BBC).
- 1.5 Ofcom has not received a request to provide a jazz service on DAB in London or the North-west.
- 1.6 It is important to note that the legislation requires Ofcom to consider the proposed changes to Smooth Radio in London and the North West on a stand-alone basis and so this consultation relates solely to those two stations. Consideration of these changes cannot be linked to any possible future request from GMG to launch jazz stations on DAB.
- 1.7 Ofcom must consider the request by GMG to remove the commitment to 45 hours of jazz programmes on Smooth Radio in London and the North West against the statutory criteria set out in the legislation below, and the consultation questions, at Annex 4, reflect that.

*Ofcom has the ability to consent to such changes under conditions included in the 102.2 and 100.4 Smooth Radio licences, in accordance with Sections 106 (1A) of the Broadcasting Act 1990 (Annex 4) if it is satisfied that at least one of the following criteria is satisfied:*

*(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 and effective competition or*

*(d) There is evidence that, amongst persons living in the affected areas, there is a significant demand for, or significant support for, the change.*

- 1.8 In this case, Ofcom regards the changes to the characters of service as substantial. This is because the 45 hours of jazz programming forms part of the main Character of Service description 'box' for both stations, in both the old-style and new-style Formats and represents a significant proportion of their required output.
- 1.9 Ofcom felt its continued provision was important enough to be enshrined when GMG was permitted, following a public consultation last year, to provide easy listening for over 50s as its core offering. The jazz requirement was retained in order to ensure that some specialist music programming remained on the station that was originally licensed as Jazz FM.
- 1.10 This means that criterion (a) above is not satisfied, and the changes can only be approved if one of criteria (b) to (d) is satisfied. In these circumstances Ofcom is required to carry out a public consultation.
- 1.11 In particular, when considering whether criterion (b) is satisfied (*the change would not narrow the range of programmes available in the area by way of relevant independent radio services*), local DAB services do not 'count' as relevant independent radio services. The relevant independent radio services are those local analogue commercial and community stations which operate in London, Greater London and the North West, and are listed in Annex 7.
- 1.12 Ofcom, therefore, seeks views on the requests, having particular regard to the Broadcasting Act 1990 Section 106 (1A) **(b) (c) and/or (d)**, as set out above and in full in Annex 9.
- 1.13 Annexes 5 and 6 contain the GMG requests in full, one for London and one for the North-West. Annex 8 sets out the present 102.2 and 100.4 Smooth Radio Formats.
- 1.14 The two consultation questions are at Annex 4

## Section 2

# Background

### 2.1 History of the London Service

1990 – launches as Jazz FM.

1992 – bought by Golden Rose Communications plc.

1994 – rebranded 'JFM'.

1995 - name reverts back to Jazz FM for both stations.

2002 – GMG buys the two Jazz FM (incl north-west) stations.

2003 – Ofcom agrees a format change for both stations, reducing daytime requirement for 'jazz', but with more off-peak specialist jazz programming.

2005 – GMG relaunches London station as 102.2 Smooth FM.

2007 – Ofcom agrees to a change of Format for 102.2 Smooth Radio to become an easy listening station, retaining 45 hours of jazz each week.

### 2.2 History of the North-West service

1994 – Launches as JFM, owned by Golden Rose Communications.

1995 – Rebranded as 100.4 Jazz FM.

2002 – Purchased by the Guardian Media Group (GMG) alongside sister London station 102.2 Jazz FM.

2003 – Ofcom agrees to a Format change which reduces the requirement for the jazz genre during daytime, but increases the station's commitment to specialist jazz programming outside of daytime.

2005 – Station re-launches as 100.4 Smooth FM.

2007 – Change of name to 100.4 Smooth Radio, and Ofcom agrees to a change of Format for the station to become an easy listening station, retaining 45 hours of jazz each week.

2.3 Ofcom's policy in respect of Format change is set out with paragraphs 2.38 to 2.46 of the Radio review statement published last year, and available at :

[http://www.ofcom.org.uk/consult/condocs/radio\\_reviewp2/statement.pdf](http://www.ofcom.org.uk/consult/condocs/radio_reviewp2/statement.pdf)

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 11 April 2008**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/smoothfmformat/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Smooth Radio Requests  
Martin Campbell, Chief Adviser, Radio,  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- Fax: 020 7981 3806
- A1.4 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.5 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex X. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

## Further information

- A1.6 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Ofcom Content and Standards administration on 020 7981 3839.

## Confidentiality

- A1.7 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A1.8 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish

all responses, including those that are marked as confidential, in order to meet legal obligations.

- A1.9 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/account/disclaimer/>

### Next steps

- A1.10 Following the end of the consultation period, Ofcom intends to publish a statement in April 2008.
- A1.11 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

### Ofcom's consultation processes

- A1.12 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.13 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.14 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash  
Ofcom  
Sutherland House  
149 St. Vincent Street  
Glasgow G2 5NW

Tel: 0141 229 7401  
Fax: 0141 229 7433

Email [vicki.nash@ofcom.org.uk](mailto:vicki.nash@ofcom.org.uk)



## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

### During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

### After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

**Cover sheet for response to an Ofcom consultation****BASIC DETAILS**

Consultation title: Smooth Radio requests

To (Ofcom contact): Martin Campbell

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

**CONFIDENTIALITY**

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

☐

Name/contact details/job title

☐

Whole response

☐

Organisation

☐

Part of the response

☐

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

**DECLARATION**

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

☐

Name

Signed (if hard copy)

## Annex 4

# Consultation questions

### Two questions

- A4.1 In the summary we have set out Ofcom's legislative concerns and outlined what we can and cannot take into consideration. (eg We cannot link requests concerning analogue stations with proposals concerning DAB stations).
- A4.2 GMG's requests are set out in full at Annex 5 and 6.
- A4.3 The consultation issue is whether or not GMG should be able to remove the obligation to play 45 hours of jazz on each of its Smooth Radio analogue stations in London and the North-West.
- A4.4 This consultation enables stakeholders and consumers alike to register their thoughts.

*Q 1: Should the change to the Format (i.e. removal of 45 hours a week of jazz) of 102.2 Smooth Radio in Greater London be permitted with particular regard to the statutory criteria as set out in the summary? (see Annex 4 for details of the criteria set out in the Broadcasting Act 1990 Section 106 (1A) (b) and (d) relating to Format changes).*

*Q2 : Should the change to the Format (i.e. removal of 45 hours a week of jazz and the removal of the general obligation to include jazz, soul, blues and R&B) of 100.4 Smooth Radio in the North-West be permitted with particular regard to the statutory criteria as set out in the summary? (see Annex 4 for details of the criteria set out in the Broadcasting Act 1990 Section 106 (1A) (b) and (d) relating to Format changes.)*

## Annex 5

# GMG's Request for the change to 102.2 Smooth Radio (London)



## Format Change Request Form OfW 332

**Station Name:**

**102.2 Smooth Radio**

**Name of Person  
Proposing Format  
Change:**

**John Myers  
Chief Executive  
GMG Radio**

**Outline Format Change(s)  
Proposals:**

**TO REMOVE THE REQUIREMENT FOR 45 HOURS  
OF SPECIALIST JAZZ PROGRAMMES**

Operators of analogue local radio licences 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).

Under section 106(1A) of the Broadcasting Act 1990 (as amended\*), Ofcom may consent to the change only if it is satisfied that *at least one* of the following four 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; or*
- (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.*

**Only one of these four 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 particularly circumstances of the case) why Ofcom may not consent to the proposed change.

In addition, applicants should note that, under section 106ZA of the same Act (as amended\*), a proposed change that *does not* satisfy the first of these criteria (i.e. a change that Ofcom considers *would or could* substantially alter the character of the service) must, if it is to be considered further under any of the other three criteria, be consulted upon.<sup>#</sup>

In the event that Ofcom receives a request for Format change and considers that criterion (a) 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 present your submission in the following manner:

#### Section 106(a) relevance...

We do not believe that the change advocated substantially alters the character of service for Smooth Radio, which already delivers an older audience profile than the majority of stations in London and thereby continue to maintain its distinctive musical proposition.

The overall musical character of the station will still be mainly drawn from Easy Listening but would be broadened in duration to allow Smooth Radio to broadcast a more recognisable station format at all times of the day and maintain a consistent station sound like all other commercial radio stations in the London market.

The removal of the requirement for 45 hours of specialist jazz programming will not therefore substantially alter the character appeal to the older audience it serves as we believe their primary reason for finding and staying tuned to the station is for the Easy Listening style of presentation and music currently on offer in daytime and early evening. Under the current Format, this recognised style is substantially dimmed and altered significantly by the volume of jazz music requirement within the Format and this is something which we believe the vast majority of listeners regard as an unwanted intrusion in to their personal listening habits and relationship with the station.

Smooth Radio is now immediately recognised by existing and new listeners as a predominantly Easy Listening music led service which features many genres and decades of music including Classic Pop, Country, Classic Soul, Smooth Jazz, and Standards. It is not our intention to completely forgo any of these genres of music. All of these genres will remain represented in the overall music policy with carefully selected tracks designed to appeal to a wide variety of listeners. Quite simply Smooth Radio does not seek to become confused in the ears of its audience as being a service charged with delivering up to 45 hours each week of purely Jazz related music when in the main it is recognised and appreciated for providing a much broader and popular variety of entertainment.

Therefore to confirm it is our wish to complement the easy listening style with an even broader variety of Easy Listening music which is drawn from the wider field of music from the last five decades rather than condensing a completely separate genre of music in to blocks of overnight programmes designed simply to comply with Format requirements as opposed to the wishes of our audiences.

Listeners to Smooth Radio in the main are aged between 35 and 64 and centred on the 45-54 age range. These core audiences already accept Smooth as an 'Easy to Listen to' station but we now believe that the restrictive style of music played at certain times through the stations obligation to broadcast 45 hours of specialist jazz as described in the Format is no longer welcomed by them.

### **Section 106 (b), (c) and (d) relevance...**

GMG does not believe that the change that is proposed in the revised format would severely narrow the range of programmes available in the London analogue market.

Within the current Format requirement specialist jazz programmes are aired predominantly on overnights between midnight and 6am and it is a contention that specific jazz music listeners will now have migrated towards other services such as The Jazz and perhaps to on line services such as jazzfm.com. It is also a fact that Classic FM, as part of a revamped schedule is to shortly broadcast a nightly two hour classic jazz programme and also launches a 24 hour online jazz music service via the website and to be known as My Classic Jazz.

This migration is also supported by Smooth Radio's most recent RAJAR analysis (Quarter 4/2007) which indicated that listening to the specialist jazz music overnights was minimal with average half-hourly listening attracting only 4,750 listeners.

The Jazz, broadcast on National DAB by GCap though short-lived has indicated that there is some audience appetite for a specialist full-time music genre service and in London and the UK in total there appeared to be indications that a full service jazz music station would be welcomed in spite of perhaps not being commercially viable to its operator.

With this in mind GMG Radio, subject to the specified Format Change Request approval for Smooth Radio in London, is prepared to launch the national service of **jazzfm.com** as a 24 hour jazz music service via DAB on to the London II multiplex transmitter in London and thereby provide jazz music listeners in the capital with an immediate replacement for The Jazz.

We are also happy to have this enshrined in to the Smooth Radio London Broadcast Licence as a condition of the Ofcom's acceptance of the proposed Format changes for London.

### **Any additional information and/or evidence in support of proposed change(s).**

In conclusion it is evident that the current Smooth Radio service is already perceived by its audience as an "Easy To Listen To" station but with an un-required, unwanted and out of character switch to blocked specialist jazz programmes at specific times and more specifically overnights. Alongside this it appears there is little or no commercial overlap with any of the other FM Music Services in this market, which would be negatively impacted upon by the abolition within the Format, of a commitment to 45 hours of specialist jazz music on Smooth Radio.

We submit therefore that our request would not represent a substantial change to the character of the service for Smooth and would not narrow the range of programmes

available by way of relevant independent radio services to persons living in the area.

Indeed with the new commitment to providing London with a brand new all Jazz music service on DAB, we maintain that subsequent approval of the change will enhance and increase choice for those listeners in the Greater London area.

### Smooth Music

In order to highlight the maintained level of difference while still keeping the flavour of what we were doing which includes smooth jazz and classic soul. Musically, our proposition would continue offer the older London listener a selection of music that, in its entirety and overall feel would not be compromised in the new proposed Format. Indeed the current description perhaps complicates issues by being described more as specialist rather than as a natural easy listening music station aimed at all times towards the mature listener. By way of an example, here is a further typical schedule for a daytime 3-hour show on Smooth Radio

1	Tears of a clown	Smokey Robinson & the Miracles
2	When your young and in love	The Marvelettes
3	This guys in love	Herb Alpert
4	A different corner	George Michael
5	Wonderful Tonight	Eric Clapton
6	Sunny	Bobby Hebb
7	Rich Girl	Hall & Oates
8	The way we were / Try to remember	Gladys Knight
9	Lets face the music and dance	Nat King Cole
10	My baby just cares for me	Nina Simone
11	Albatross	Fleetwood Mac
12	Come away with me	Norah Jones
13	Hotel California	Eagles
14	Private number	William Bell & Judy Clay
15	Sitting on the dock of the bay	Otis Redding
16	I have to say I love you in a song	Jim Croce
17	Baby I'm a want you	Bread
18	The more I see you	Chris Montez
19	Stand by me	Ben E. King
20	If there's any justice	Lemar
21	Love don't live here anymore	Rose Royce
22	Only Sixteen	Sam Cooke
23	You to me are everything	The Real Thing
24	Smooth operator	Sade
25	My heart will go on	Celine Dion
26	Blueberry Hill	Fats Domino
27	We have all the time in the world	Louis Armstrong
28	Unchained melody	Righteous Brothers
29	Reach out and touch	Diana Ross
30	Mr Bojangles	Sammy Davis Jnr.
31	Mornin'	Al Jarreau
32	We've only just begun	Carpenters
33	Everytime we say goodbye	Ella Fitzgerald
34	After the love has gone	Earth Wind & Fire
35	Brown Eyed Girl	Van Morrison
36	Home	Michael Buble

### JazzFM.com Music

To demonstrate the offering that JazzFM.com has to offer this is a schedule of a 3 hour sequence currently on-line. We would anticipate adding more presenter content to the schedule as the service became more established in each market. However, we would follow the Jazz FM model of accessible smooth jazz during the day and more traditional jazz at night, returning "Dinner Jazz" to London listeners. Currently TheJazz is generating a reach of 105,000 listeners in London and we would anticipate that we could attract the majority of them to JazzFM.com with a strategic marketing campaign over the first 12 months of it's re-launch on DAB in the region.



<b>Miles Davis</b>	<i>So What</i>
<b>Dave Brubeck</b>	<i>Take Five</i>
<b>John Coltrane</b>	<i>My Favourite Things</i>
<b>Pat Metheny</b>	<i>Are you going with Me</i>
<b>Art Blakey</b>	<i>Moanin</i>
<b>Billie Holiday</b>	<i>Strange Fruit</i>
<b>Mahavishnu Orchestra</b>	<i>You Know, You Know</i>
<b>Bill Evans</b>	<i>Re Person I Knew</i>
<b>Thelonious Monk</b>	<i>Round Midnight</i>
<b>Stan Tracey</b>	<i>Quartet Starless and Bible Black</i>
<b>Horace Silver</b>	<i>Song For My Father</i>
<b>John Coltrane</b>	<i>A Love Supreme</i>
<b>Miles Davis</b>	<i>All Blues</i>
<b>Dizzy Gillespie</b>	<i>Manteca</i>
<b>Chet Baker</b>	<i>My Funny Valentine</i>
<b>Charles Mingus</b>	<i>Goodbye Pork Pie Hat</i>
<b>Sonny Rollins</b>	<i>Alfie</i>
<b>Ahmad Jamal</b>	<i>Poinciana</i>
<b>John Coltrane</b>	<i>Blue Train</i>
<b>Dave Brubeck</b>	<i>Blue Rondo a la Turk</i>
<b>Pat Metheny Group</b>	<i>Minuano (six eight)</i>
<b>Nina Simone</b>	<i>My baby just cares for me</i>
<b>Miles Davis</b>	<i>Milestones</i>
<b>Charlie Parker</b>	<i>Ornithology</i>
<b>Herbie Hancock</b>	<i>I Thought it Was You</i>
<b>Errol Garner</b>	<i>Misty</i>
<b>Ella Fitzgerald</b>	<i>Everytime We Say Goodbye</i>
<b>Jimmy Smith</b>	<i>Walk on the wild side</i>
<b>Bob James</b>	<i>Angela (Theme from Taxi)</i>
<b>Pharoah Sanders</b>	<i>You gotta have Freedom</i>
<b>Keith Jarrett</b>	<i>Endless</i>
<b>Grover Washington Jnr</b>	<i>Just the two of us</i>
<b>Weather Report</b>	<i>River People</i>
<b>Wayne Shorter</b>	<i>Speak no evil</i>
<b>Pat Metheny</b>	<i>To the end of the world</i>
<b>Ella Fitzgerald</b>	<i>That Old Black magic</i>
<b>Cannonball Adderley &amp; Miles Davis</b>	<i>Autumn Leaves</i>
<b>Sonny Rollins</b>	<i>There is no Greater Love</i>
<b>Cannonball Adderley</b>	<i>Mercy Mercy Mercy</i>
<b>Thelonius Monk</b>	<i>Blue Monk</i>
<b>Miles Davis</b>	<i>Bye Bye Blackbird</i>
<b>Modern Jazz Quartet</b>	<i>Django</i>
<b>Herbie Hancock</b>	<i>Cantaloupe Island</i>
<b>Miles Davies</b>	<i>Summertime</i>

**PROPOSED new Format Outline Form OfW307****COMMERCIAL RADIO STATION FORMAT****SMOOTH RADIO (London)****Character of Service**

**AN EASY LISTENING STATION FEATURING LIFESTYLE ORIENTATED SPEECH, TARGETING A LONDON AUDIENCE AGED 50-PLUS.**

<b>Licensed area</b>	<b>Greater London (as in Ofcom advertisement)</b>
<b>Frequency</b>	<b>102.2 MHz</b>
<b>Service duration</b>	<b>24 hours</b>
<b>Locally-made hours</b>	<b>At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.</b>
<b>Local news bulletins</b>	<b>At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.</b>

**Shared arrangements (if applicable)**

<b>Co-location</b>	<b>No Arrangements</b>
<b>Programme sharing</b>	<b>No Arrangements</b>

**Definitions**

<b>Speech / Music</b>	<b>Excludes advertising, programme/promotional trails &amp; sponsor credits</b>
<b>Peaktime</b>	<b>Weekday breakfast and drivetime, and weekend late breakfast</b>
<b>Daytime</b>	<b>0600 to 1900 weekday and weekend</b>
<b>Locally-made</b>	<b>Production and presentation from within the licensed area</b>

**MCA population: 6,106,343****Licence number: AL 039-2****Notes**

\* As amended by sections 312 and 313 of the Communications Act 2003

# 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.

## Annex 6

# GMG's Request for the change to 100.4 Smooth Radio (North-west)



## Format Change Request Form OfW 332

**Station Name:**

**100.4 Smooth Radio**

**Name of Person  
Proposing Format  
Change:**

**John Myers  
Chief Executive  
GMG Radio**

**Outline Format Change(s)  
Proposals:**

**TO REMOVE THE REQUIREMENT FOR 45 HOURS  
OF SPECIALIST JAZZ PROGRAMMES .**

Operators of analogue local radio licences 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).

Under section 106(1A) of the Broadcasting Act 1990 (as amended\*), Ofcom may consent to the change only if it is satisfied that *at least one* of the following four 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; or*
- (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.*

Only one of these four 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 particularly circumstances of the case) why Ofcom may not consent to the proposed change.

In addition, applicants should note that, under section 106ZA of the same Act (as amended\*), a proposed change that *does not* satisfy the first of these criteria (i.e. a change that Ofcom considers *would or could* substantially alter the character of the service) must, if it is to be considered further under any of the other three criteria, be consulted upon.<sup>#</sup>

In the event that Ofcom receives a request for Format change and considers that criterion (a) 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 present your submission in the following manner:

#### **Section 106(a) relevance...**

We do not believe that the change advocated substantially alters the character of service for Smooth Radio, which already delivers an older audience profile than the majority of stations in the North West and we will commit to maintain its distinctive musical proposition.

The overall musical character of the station will still be mainly drawn from Easy Listening, but would be broadened in duration to allow Smooth Radio to broadcast a more recognisable station format at all times of the day and maintain a consistent station sound like all other commercial radio stations in the North West market.

The removal of the requirement for 45 hours of specialist jazz programming will not therefore substantially alter the character appeal to the older audience it serves as we believe their primary reason for finding and staying tuned to the station is for the Easy Listening style of presentation and music currently on offer in daytime and early evening. Under the current Format, this recognised style is substantially dimmed and altered significantly by the volume of jazz music requirement within the Format and this is something which we believe the vast majority of listeners regard as an unwanted intrusion in to their personal listening habits and relationship with the station.

Smooth Radio is now immediately recognised by existing and new listeners as a predominantly Easy Listening music led service which features many genres and decades of music including Classic Pop, Classic Soul, Smooth Jazz, and Standards. It is not our intention to completely forgo any of these genres of music. All of these genres will remain represented in the overall music policy with carefully selected tracks designed to appeal to a wide variety of listeners. Smooth Radio does not seek to become confused in the ears of its audience as being perceived as a service charged with delivering up to 45 hours each week of purely Jazz related music when in the main it is recognised and appreciated for providing a much broader and popular variety of entertainment.

Our wish is to seek formal approval from Ofcom to complement the current easy listening style with an even broader variety of Easy Listening and in which tracks will be drawn from the wider field of music from the last five decades rather than condensing a completely separate genre of music in to blocks of overnight programmes designed simply to comply with Format requirements as opposed to the wishes of our audiences.

Listeners to Smooth Radio in the main are aged between 35 and 64 and centred on the 45-54 age range. They already accept Smooth as an 'Easy to Listen to' station and we now believe that its quite possible these core listeners are finding the restrictive style of music played at certain times to be limited by the obligation to 45 hours of specialist jazz as described in the Format.

#### **Section 106 (b), (c) and (d) relevance...**

GMG does not believe that the proposed change in the revised format will severely narrow the range of programmes available in the North West analogue market.

Within the current Format requirement specialist jazz programmes are aired predominantly on overnights between midnight and 6am and it is a contention that specific jazz music listeners will now have migrated towards other services such as The Jazz when available and perhaps to on line services such as jazzfm.com. It is also a fact that Classic FM, as part of a revamped schedule is to shortly broadcast a nightly two hour classic jazz programme and also launches a 24 hour online jazz music service via the website and to be known as My Classic Jazz.

This migration is also supported by Smooth Radio's most recent RAJAR analysis (Quarter 4/2007) which indicated that listening to the specialist jazz music overnights was minimal with the average hourly listening attracting only 4,500 listeners

The Jazz, broadcast on National DAB by GCap though short-lived has indicated that there is some audience appetite for a specialist full-time music genre service and in the North West and the UK in total there appeared to be indications that a full service jazz music station would be welcomed in spite of perhaps not being commercially viable to its operator.

With this in mind GMG Radio, subject to the specified Format Change Request approval for Smooth Radio North West is prepared to launch the national service of **jazzfm.com** as a 24 hour jazz music service via DAB on to the MXR regional multiplex transmitter in the North West and thereby provide jazz music listeners in the region with an immediate replacement for The Jazz.

We are also happy to have this enshrined in to the Smooth Radio North West Broadcast Licence as a condition of the Ofcom's acceptance of the proposed Format change.

#### **Any additional information and/or evidence in support of proposed change(s).**

In conclusion it is evident that the current Smooth Radio service is already perceived by its audience as an "Easy To Listen To" station but with an un-required, unwanted and out of character switch to blocked specialist jazz programmes at specific times and more specifically overnights. Alongside this it appears there is little or no commercial overlap with any of the other FM Music Services in this market, which would be negatively impacted upon by the abolition within the Format, of commitment to 45 hours of specialist jazz music on Smooth Radio.

We submit therefore that our request would not represent a substantial change to the

character of the service for Smooth and would not narrow the range of programmes available by way of relevant independent radio services to persons living in the area.

Indeed with the new commitment to providing the North West with a brand new all Jazz music service on DAB we maintain that subsequent approval of the change will enhance and increase choice for those listeners in the North West region.

### **Smooth Music**

The maintained level of musical difference while still keeping the flavour of what we are continuing to provide which includes smooth jazz and classic soul would continue within our proposal, to offer Smooth Radio listeners a selection of music that, in its entirety and overall feel would be described solely as Easy Listening. We feel that it is more appropriate now to be recognised as a natural easy listening music station aimed at all times towards the mature listener. For further clarification and by way of an example, here is a further typical schedule for a daytime 3-hour show on Smooth Radio

Tears of a clown	Smokey Robinson & the Miracles
When your young and in love	The Marvelettes
This guys in love	Herb Alpert
A different corner	George Michael
Wonderful Tonight	Eric Clapton
Sunny	Bobby Hebb
Rich Gir	Hall & Oates
The way we were / Try to remember	Gladys Knight
Lets face the music and dance	Nat King Cole
My baby just cares for me	Nina Simone
Albatross	Fleetwood Mac
Come away with me	Norah Jones
Hotel California	Eagles
Private Number	William Bell & Judy Clay
Sitting on the dock of the bay	Otis Redding
I have to say I love you in a song	Jim Croce
Baby I'm a want you	Bread
The more I see you	Chris Montez
Stand by me	Ben E. King
If there's any justice	Lemar
Love don't live here anymore	Rose Royce
Only Sixteen	Sam Cooke
You to me are everything	The Real Thing
Smooth operator	Sade
My heart will go on	Celine Dion
Blueberry Hill	Fats Domino
We have all the time in the world	Louis Armstrong
Unchained melody	Righteous Brothers
Reach out and touch	Diana Ross
Mr Bojangles	Sammy Davis Jnr.
Mornin'	Al Jarreau
We've only just begun	Carpenters
Everytime we say goodbye	Ella Fitzgerald
After the love has gone	Earth Wind & Fire
Brown Eyed Girl	Van Morrison
Home	Michael Buble

### **JazzFM.com Music**

To demonstrate the offering that JazzFM.com has to offer this is a schedule of a 3 hour sequence currently on-line. We would anticipate adding more presenter content to the schedule as the service became more established in each market. However, we would follow the Jazz FM model of accessible smooth jazz during the day and more traditional jazz at night, returning "Dinner Jazz" to North West listeners. Currently TheJazz is generating a reach of 22,000 listeners in the North West and we would anticipate that we could attract the majority of them to JazzFM.com with a strategic marketing campaign over the first 12 months of it's re-launch on DAB in the region.

Miles Davis	<i>So What</i>
Dave Brubeck	<i>Take Five</i>
John Coltrane	<i>My Favourite Things</i>
Pat Metheny	<i>Are you going with Me</i>
Art Blakey	<i>Moanin</i>
Billie Holiday	<i>Strange Fruit</i>
Mahavishnu Orchestra	<i>You Know, You Know</i>
Bill Evans	<i>Re Person I Knew</i>
Thelonious Monk	<i>Round Midnight</i>
Stan Tracey	<i>Quartet Starless and Bible Black</i>
Horace Silver	<i>Song For My Father</i>
John Coltrane	<i>A Love Supreme</i>
Miles Davis	<i>All Blues</i>
Dizzy Gillespie	<i>Manteca</i>
Chet Baker	<i>My Funny Valentine</i>
Charles Mingus	<i>Goodbye Pork Pie Hat</i>
Sonny Rollins	<i>Alfie</i>
Ahmad Jamal	<i>Poinciana</i>
John Coltrane	<i>Blue Train</i>
Dave Brubeck	<i>Blue Rondo a la Turk</i>
Pat Metheny Group	<i>Minuano (six eight)</i>
Nina Simone	<i>My baby just cares for me</i>
Miles Davis	<i>Milestones</i>
Charlie Parker	<i>Ornithology</i>
Herbie Hancock	<i>I Thought it Was You</i>
Errol Garner	<i>Misty</i>
Ella Fitzgerald	<i>Everytime We Say Goodbye</i>
Jimmy Smith	<i>Walk on the wild side</i>
Bob James	<i>Angela (Theme from Taxi)</i>
Pharoah Sanders	<i>You gotta have Freedom</i>
Keith Jarrett	<i>Endless</i>
Grover Washington Jnr	<i>Just the two of us</i>
Weather Report	<i>River People</i>
Wayne Shorter	<i>Speak no evil</i>
Pat Metheny	<i>To the end of the world</i>
Ella Fitzgerald	<i>That Old Black magic</i>
Cannonball Adderley & Miles Davis	<i>Autumn Leaves</i>
Sonny Rollins	<i>There is no Greater Love</i>
Cannonball Adderley	<i>Mercy Mercy Mercy</i>
Thelonius Monk	<i>Blue Monk</i>
Miles Davis	<i>Bye Bye Blackbird</i>
Modern Jazz Quartet	<i>Django</i>
Herbie Hancock	<i>Cantaloupe Island</i>
Miles Davies	<i>Summertime</i>

**PROPOSED New Format Outline Form OfW 307****COMMERCIAL RADIO STATION FORMAT****SMOOTH RADIO (North West)****Character of Service**

**AN EASY LISTENING STATION FEATURING LIFESTYLE ORIENTED SPEECH  
TARGETING A NORTH-WEST AUDIENCE AGED 50-PLUS.**

<b>Licensed area</b>	<b>North West region (as in Ofcom advertisement)</b>
<b>Frequency</b>	<b>100.4 MHz</b>
<b>Service duration</b>	<b>24 hours</b>
<b>Locally-made hours</b>	<b>At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.</b>
<b>Local news bulletins</b>	<b>At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.</b>

**Shared arrangements (if applicable)**

<b>Co-location</b>	<b>No Arrangements</b>
<b>Programme sharing</b>	<b>No Arrangements</b>

**Definitions**

<b>Speech / Music</b>	<b>Excludes advertising, programme/promotional trails &amp; sponsor credits</b>
<b>Peaktime</b>	<b>Weekday breakfast and drivetime, and weekend late breakfast</b>
<b>Daytime</b>	<b>0600 to 1900 weekday and weekend</b>
<b>Locally-made</b>	<b>Production and presentation from within the licensed area</b>

**MCA population: 4,260,367****Licence number: AL 164-1**



## Annex 7

# Commercial and Community Stations operating in London and the North-West

## Commercial Stations in London

Capital Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al067-2.doc>

Gold <http://www.ofcom.org.uk/static/radiolicensing/formats/al066-2.doc>

Club Asia <http://www.ofcom.org.uk/static/radiolicensing/formats/al175-2.doc>

Heart 106.2 <http://www.ofcom.org.uk/static/radiolicensing/formats/al174-1.doc>

Kismet Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al160-2.doc>

Kiss 100 <http://www.ofcom.org.uk/static/radiolicensing/formats/al053-2.doc>

LBC 97.3 <http://www.ofcom.org.uk/static/radiolicensing/formats/al008-2.doc>

LBC News 1152 <http://www.ofcom.org.uk/static/radiolicensing/formats/al007-2.doc>

Magic 105.4 <http://www.ofcom.org.uk/static/radiolicensing/formats/al051-2.doc>

Premier Christian Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al176-2.doc>

Spectrum Int'l Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al050-2.doc>

Sunrise Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al156-2.doc>

Virgin Radio 105.8 <http://www.ofcom.org.uk/static/radiolicensing/formats/al173-1.doc>

Xfm <http://www.ofcom.org.uk/static/radiolicensing/formats/al196-1.doc>

Choice FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al041-2.doc>

and <http://www.ofcom.org.uk/static/radiolicensing/formats/al255-1.doc>

107.8 Radio Jackie <http://www.ofcom.org.uk/static/radiolicensing/formats/al191-1.doc>

London Greek Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al036-3.doc>

London Turkish Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al172-2.doc>

Time 106.8 <http://www.ofcom.org.uk/static/radiolicensing/formats/al216-1.doc>

Time 107.3 <http://www.ofcom.org.uk/static/radiolicensing/formats/al219-1.doc>

Time 107.5 <http://www.ofcom.org.uk/static/radiolicensing/formats/al216-1.doc>

## Commercial Stations in North-West

Asian Sound Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al183-1.doc>

107 The Bee <http://www.ofcom.org.uk/static/radiolicensing/formats/al292-1.doc>

Gold 1458 <http://www.ofcom.org.uk/static/radiolicensing/formats/al161-1.doc>

105.4 Century FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al220-1.doc>

CityTalk <http://www.ofcom.org.uk/static/radiolicensing/formats/al321-1.doc>

Dune FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al203-1.doc>

Galaxy 102 <http://www.ofcom.org.uk/static/radiolicensing/formats/al033-2.doc>

Imagine FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al038-3.doc>

107.6 Juice FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al207-1.doc>

KCR FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al262-1.doc>

Key 103 <http://www.ofcom.org.uk/static/radiolicensing/formats/al079-2.doc>

Magic 1152 <http://www.ofcom.org.uk/static/radiolicensing/formats/al082-2.doc>

Magic 999 <http://www.ofcom.org.uk/static/radiolicensing/formats/al062-2.doc>

Magic 1548 <http://www.ofcom.org.uk/static/radiolicensing/formats/al096-2.doc>

Central Radio (Not Yet on Air)

<http://www.ofcom.org.uk/radio/ifi/rbl/car/ifmapps/preston/proudfm.pdf>

Radio City <http://www.ofcom.org.uk/static/radiolicensing/formats/al097-2.doc>

Radio Wave 96.5 <http://www.ofcom.org.uk/static/radiolicensing/amfm/AL137-2.htm>

96.2 The Revolution <http://www.ofcom.org.uk/static/radiolicensing/formats/al235-1.doc>

Rock FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al063-2.doc>

RockTalk (Not Yet on Air)

<http://www.ofcom.org.uk/radio/ifi/rbl/car/ifmapps/manchester/rock.pdf>

Tower FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al234-1.doc>

Wire FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al214-1.doc>

Wish FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al189-1.doc>

Xfm Manchester <http://www.ofcom.org.uk/static/radiolicensing/formats/al298-1.doc>

### **Community Stations licensed in London**

- Desi Radio, Southall
- Sound Radio, Hackney
- Resonance FM, central London
- Westside Community Radio, Southall
- Hayes Community Radio
- Life FM, Stonebridge & Harlesden
- OnFM, Hammersmith
- NuSound Radio, Forest Gate
- Voice of Africa, Plaistow
- Radio Umma, Newham
- Link FM, Harold Wood
- TGR Sound, Bexleyheath

### **Community Stations licensed in North-West**

- Preston FM, Preston
- Pendle Community Radio, Nelson
- Rossendale Radio, Rossendale Valley, Lancashire
- Chorley FM, Chorley
- Crescent Radio, Rochdale
- Salford Community Radio, Salford
- ALL FM, south central and east Manchester
- Oldham Community Radio, Oldham
- Tameside Community Radio, Tameside
- Pure Radio, Stockport
- Wythenshawe FM, Wythenshawe, Manchester
- KCC Live, Knowsley, Merseyside
- Talkin' Toxteth, Toxteth, Liverpool

- Halton FM, Runcorn
- 7 Waves, Leasowe, Wirral
- Flame CCR, Wirral
- Canalside Radio, Bollington,
- Cheshire FM, mid-Cheshire

The application submitted for each service, which contains information on target audience and planned programme output, can be found at:

[http://www.ofcom.org.uk/radio/ifi/rbl/commun\\_radio/tlproc/archives/applications/England](http://www.ofcom.org.uk/radio/ifi/rbl/commun_radio/tlproc/archives/applications/England)

## Annex 8

# The Present new-style Smooth Radio formats for London and the North-West



## COMMERCIAL RADIO STATION FORMAT

### SMOOTH RADIO (London)

#### Character of Service

AN EASY LISTENING STATION FEATURING LIFESTYLE ORIENTATED SPEECH, TARGETING A LONDON AUDIENCE AGED 50-PLUS, AND BRODCASTING 45 HOURS A WEEK OF SPECIALIST JAZZ PROGRAMMES.

Licensed area	Greater London (as in Ofcom advertisement)
Frequency	102.2 MHz
Service duration	24 hours
Locally-made hours	At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.
Local news bulletins	At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.

#### Shared arrangements (if applicable)

Co-location	No Arrangements
Programme sharing	No Arrangements

#### Definitions

Speech / Music	Excludes advertising, programme/promotional trails & sponsor credits
Peaktime	Weekday breakfast and drivetime, and weekend late breakfast
Daytime	0600 to 1900 weekday and weekend
Locally-made	Production and presentation from within the licensed area

**MCA population : 6,106,343**

**Licence number : AL 039-2**

#### Notes

This Format should be read in conjunction with Ofcom's published Localness Guidelines as updated with additional text from "The Future of Radio : The Next Phase" (2007) **AGREED FEB 2008**

## COMMERCIAL RADIO STATION FORMAT

### SMOOTH RADIO (North West)

#### Character of Service

**AN EASY LISTENING STATION FEATURING EASY LISTENING MUSIC INCLUDING JAZZ, SOUL, BLUES AND R&B TARGETING A NORTH-WEST AUDIENCE AGED 50-PLUS, AND BROADCASTING 45 HOURS A WEEK OF SPECIALIST JAZZ PROGRAMMES**

<b>Licensed area</b>	North West region (as in Ofcom advertisement)
<b>Frequency</b>	100.4 MHz
<b>Service duration</b>	24 hours
<b>Locally-made hours</b>	At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.
<b>Local news bulletins</b>	At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.

#### Shared arrangements (if applicable)

<b>Co-location</b>	No Arrangements
<b>Programme sharing</b>	No Arrangements

#### Definitions

Speech / Music	Excludes advertising, programme/promotional trails & sponsor credits
Peaktime	Weekday breakfast and drivetime, and weekend late breakfast
Daytime	0600 to 1900 weekday and weekend
Locally-made	Production and presentation from within the licensed area

**MCA population : 4,260,367**

**Licence number : AL 164-1**

#### Notes

This Format should be read in conjunction with Ofcom's published Localness Guidelines as updated with additional text from "The Future of Radio : The Next Phase" (2007) **AGREED FEB 2008**

## Annex 9

# Broadcasting Act 1990

Requirements as to character and coverage of national and local services.

**106.**—(1) A national or local licence shall include such conditions as appear to OFCOM to be appropriate for securing that the character of the licensed service, as proposed by the licence holder when making his application, is maintained during the period for which the licence is in force.

(1A) Conditions included in a licence for the purposes of subsection (1) may provide that OFCOM may consent to a departure from the character of the licensed service if, and only if, they are 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 in the area or locality for which the service is licensed to be provided;
- (c) that, in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition in that area or locality; or
- (d) that, in the case of a local licence, 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.

(1B) The matters to which OFCOM must have regard in determining for the purposes of this section the character of a service provided under a local licence include, in particular, the selection of spoken material and music in programmes included in the service.

(2) A national or local licence shall include conditions requiring the licence holder to secure that the licensed service serves so much of the area or locality for which it is licensed to be provided as is for the time being reasonably practicable.

(3) A national licence shall include conditions enabling OFCOM, where it appears to them to be reasonably practicable for the licensed service to be provided for any additional area falling outside the minimum area determined by them in accordance with section 98(2), to require the licence holder to provide the licensed service for any such additional area.

(4) Subject to subsection (5), OFCOM may, if they think fit, authorise the holder of a local licence, by means of a variation of his licence to that effect, to provide the licensed service for any additional area or locality adjoining the area or locality for which that service has previously been licensed to be provided.

(5) OFCOM shall only exercise the power conferred on them by subsection (4) if it appears to them—

- (a) that to do so would not result in a significant increase of the area or locality for which the service in question is licensed to be provided; or
- (b) that the increase that would result is justifiable in the exceptional circumstances of the case.

(6) As soon as practicable after OFCOM have exercised that power in relation to any service, they shall publish, in such manner as they consider appropriate, a notice—

- (a) stating that they have exercised that power in relation to that service; and
- (b) giving details of the additional area or locality for which that service is licensed to be provided.

(7) In this section 'relevant independent radio services' means the following services so far as they are services falling to be regulated under section 245 of the Communications Act 2003—

- (a) sound broadcasting services;
- (b) radio licensable content services;
- (c) additional services;

but, in relation to a departure from the character of a service provided under a local licence, does not include a service that is provided otherwise than wholly or mainly for reception by persons living and working in the area or locality in question.

Consultation about change of character of local services.

#### **106ZA.—**

(1) Before deciding for the purposes of a condition imposed under subsection (1A) of section 106 whether to consent to a departure from the character of a service provided under a local licence on any of the grounds mentioned in paragraphs (b) to (d) of that subsection, OFCOM must publish a notice specifying—

- (a) the proposed departure; and
- (b) the period in which representations may be made to OFCOM about the proposal.

(2) That period must end not less than 28 days after the date of publication of the notice.

(3) The notice must be published in such manner as appears to OFCOM to be appropriate for bringing it to the attention of the persons who, in OFCOM's opinion, are likely to be affected by the departure.

(4) OFCOM—

- (a) are not required to publish a notice under this section, and
- (b) may specify a period of less than 28 days in such a notice as the period for representations, if they consider that the publication of the notice, or allowing a longer period for representations, would result in a delay that would be likely prejudicially to affect the interests of the licence holder.

(5) OFCOM are not required under this section—

- (a) to publish any matter that is confidential in accordance with subsection



(6) or (7); or

(b) to publish anything that it would not be reasonably practicable to publish without disclosing such a matter.

(6) A matter is confidential under this subsection if-

(a) it relates specifically to the affairs of a particular body; and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that body.

(7) A matter is confidential under this subsection if-

(a) it relates specifically to the private affairs of an individual; and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that individual.