



Radio – Preparing for the Future (Phase 2)

Statement

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Section 1

Executive Summary

- 1.1 Phase 2 of Radio – Preparing for the future outlined Ofcom’s view of the way in which commercial radio should be most effectively regulated in the future.
- 1.2 Its main concern was with Format regulation and the delivery of localness as Ofcom moves the regulatory emphasis away from input regulation (rules on how programmes should be made, such as automation and news hubs) towards output regulation (the overall sound of the station). It proposed, for consultation, procedures for considering requests for Format changes. This statement sets out Ofcom’s conclusions following that consultation.
- 1.3 Responses were overwhelmingly supportive of the Format change regime proposed in the consultation, although a number of specific points were raised. This statement addresses those points and confirms the approach to considering Format change requests.
- 1.4 The phase 2 report also confirmed the re-worded Localness Guidelines as the primary tool with which Ofcom will determine licensees’ performance with regard to local Format demands. These Localness Guidelines are available on the web at <http://www.ofcom.org.uk/radio/ifi/rbl/commer/ar/localness/>
- 1.5 It also looked ahead to individual consultation with stations on changes to Licences and Formats as suggested within Phase 1.
- 1.6 Therefore, Ofcom will shortly be in touch with every licensee with regard to those changes, which include lifting the restriction on daytime automation on stations, allowing news hub arrangements and the location of studios within licensed areas as opposed to Measured Coverage Areas (MCAs). Ofcom has reserved the right to re-visit the automation limits question and the news hub arrangements if they result in a quality drop.
- 1.7 Ofcom will also discuss with individual stations the new self-reporting system to be introduced, which is the obligation to keep a Public File of information setting out a station’s output performance when judged against its Format and character of service.
- 1.8 This Public File may be available on a stations website and/or in hard copy available for inspection by both Ofcom and listeners.

Section 2

The Format Change Regime

Background

- 2.1 Ofcom is required to include conditions in each analogue local commercial radio licence that are appropriate for securing that the character of the service, as proposed in the station's application, is maintained during the licence period (section 106(1), Broadcasting Act 1990).
- 2.2 We meet this requirement by means of a Format, included in the station's licence, which includes a description of the character of the service (the output and the audience at which it is targeted) and supporting detail regarding how much of the service will be produced and presented locally (i.e. from a studio in the licence area), and the specific type(s) of music and speech output to be provided.
- 2.3 As well as meeting this specific requirement, Formats help Ofcom to protect the interests of listeners, both as citizens and consumers, and to meet its general statutory duty

“to secure the availability of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests”.
- 2.4 Having agreed, after Phase 1, the principle that Formats should continue to be the main regulatory tool for ensuring compliance with output we set out in Phase 2 the processes by which Ofcom would consider requests for change to Formats.
- 2.5 In Phase 2 there was only one question:

Question 1) “Do you agree with the proposed procedure and considerations for dealing with requests for Format changes for analogue commercial radio stations?”

Responses

- 2.6 The responses were generally supportive of Ofcom's view of the way in which requests for changes to Formats should be considered.
- 2.7 Ofcom received 16 responses to this consultation, of which five were confidential.
- 2.8 The non-confidential responses can be viewed at <http://www.ofcom.org.uk>. All responses bar one were sent on behalf of organisations rather than individuals.
- 2.9 The consultation question referred solely to Ofcom's intentions with regard to Format change, although many respondents took the opportunity to forward views on other issues mentioned within the document, notably the digital future of radio. These views have been noted, but the points raised are not dealt with in this document.
- 2.10 Respondents broadly welcomed and supported Ofcom's transparent approach to Format change. However, a number of specific issues were raised by respondents:

Substantial change

- 2.11 Trade body CRCA and a number of confidential responses raised the question of public consultations on Format change – and suggested the use of consultations should be strictly limited. Two confidential responses echoed this view, and one urged consistency from Ofcom which, it said, was lacking in the legacy regulator.
- 2.12 CRCA and some confidential responses also asked that further consideration be given to the word “substantial” when looking at a possible change to a character of service. Another confidential respondent suggested any requests for Format changes regarded as substantial should not be allowed – and the licence handed back.
- 2.13 As far as handing licences back is concerned Ofcom has a duty to treat requests as specified within the legislation, and handing a licence back is an option, but not one Ofcom can demand on the basis that the licensee wishes to make a change to the Format.
- 2.14 Consultations allow Ofcom to take a flavour of opinion in a way that might not otherwise be possible. It is mindful of the cost, both in terms of finance and time, that consultations can generate, but will still want to call upon the process if it feels that wider considerations should be trawled than would otherwise be to hand.
- 2.15 As for the definition of substantial, Ofcom believes the interpretation of “substantial” as set out in the Review enables Ofcom to take into consideration all relevant points when dealing on a case-by-case basis with requests which can vary a great deal, and that any further ‘tightening’ of the interpretation could be unhelpful.
- 2.16 As indicated within the Format Change Procedure, the simplest test for a substantial change would be if the Character of Service, as defined in the Format, required a change in wording. This would undoubtedly signal such a fundamental change, but it cannot be the only test.
- 2.17 Stations are awarded licences with individual characteristics for specific areas that give them a particular sound for their community. In its intention to protect this sound – and, where appropriate, with particular regard to its obligation to protect localness – Ofcom believes there should be practical flexibility for both itself and any licensee wishing to make changes so that these individual characteristics can be fully explored. This would be made more difficult if the definition of “substantial” were to be made more rigid.

AM stations, different delivery platforms and smaller stations

- 2.18 The Christian Broadcasting Council supported Ofcom’s reluctance to change a Format soon after award, and its intention to allow extra flexibility when dealing with AM stations.
- 2.19 Lincs FM urged similar flexibility to be shown to smaller FM stations, and for consideration of their financial position to be paramount. GCap, too, urged Ofcom to study the ecology (FM and AM) of each licence area when making decisions.
- 2.20 Ofcom intends to take such issues into consideration and give them the appropriate level of emphasis as allowed by the legislation.

- 2.21 GCap Media thought it important for Ofcom to understand, when considering Format change requests that listeners do not tend to differentiate between delivery platforms.
- 2.22 It is worth noting that some of the legislation gives some specific platform-related duties to Ofcom, rendering it impossible for Ofcom to always take the full radio landscape into account when making certain decisions.

New stations

- 2.23 GCap asked for the period following the launch of a station during which a change will be precluded not to be set in stone.
- 2.24 It is Ofcom's intention to consider such requests on a case-by-case basis but it is also clear that any requests granted within these periods would be exceptional.

The sound of the station

- 2.25 GCap Media was concerned that the 'sound of the station' could not be taken into account by Ofcom when the proposed new Format was not yet on air and so could not be assessed.
- 2.26 Ofcom does not believe that it is necessary to hear a station to understand what any proposed Format change would have on the sound of the station. For example a request to change the proportion of different types of music being played can be assessed without having to hear the station. With regard to new stations Ofcom understands the point made and has put forward its views on changing new licences, making it unlikely that Format changes would be granted within two years and substantial changes within five.
- 2.27 One confidential response urged Ofcom to make its Format change decisions having full regard to the station's view of its audience's wants and needs and to exercise maximum flexibility, particularly concerning research carried out prior to award. Ofcom has noted the points and will take into account all such germane issues when request changes are made.

Previous Format commitments

- 2.28 GCap Media was also concerned that Ofcom may not have full knowledge of 'specific commitments' when referring to past licence awards if a request is made to change a Format. And it assumes such 'specific commitments' will be highlighted when new awards are made.
- 2.29 Ofcom's Advisory Committee, Scotland, on the other hand, felt the processes constituted good protection against "Format creep" and warned against allowing ownership to bring about a reduction in local content.
- 2.30 Ofcom will have full access to reasons for award with regard to past licences, and as far as future licences are concerned, all commitments will be clearly outlined within the Format, and other content worthy of note will be mentioned in Ofcom's statement of reasons for award.

The need to update some Formats

- 2.31 GCap Media requested more information on Ofcom's statement concerning Radio Authority Formats being 'brought up to date.'
- 2.32 Ofcom's statement was that it appreciated some older licences may need to be brought up to date. This is not a signal for a mass change of licences awarded by the regulator, but an appreciation that tastes change may trigger a future request for a Format change which would be considered as any other request.

Research

- 2.33 GCap Media also expressed concern that licensees sometimes faced large bills for research when trying to challenge another licensee's request for a change. It asked whether Ofcom would commission its own research if a particular request failed to include appropriate research back-up.
- 2.34 Ofcom's view is that if a request for a Format change relies on the argument of demand then it would be up to the licensee making the request to put forward evidence. If competitors wish to do likewise, they are naturally at liberty to do so. Ofcom does not intend to commission research on a request-by-request basis, but may refer to relevant available research.

Other comments

- 2.35 ISBA drew attention to the BBC's "apparent freedom" with regard to re-formatting stations and its hope that DAB would be able to support diversity to the point of obviating Format regulation. The points were noted.
- 2.36 Equity was disappointed with the move from input to output regulation, but welcomed the transparent approach to Format change
- 2.37 **NEXT STEPS – As most suggestions covered the way in which Ofcom might interpret areas of request for change, rather than the actual process for considering change, the procedures as set out in the consultation document will stand without alteration, as follows:**

Ofcom's Future Format Change Procedure :

- 2.38 The Broadcasting Act 1990 (as amended) sets out the circumstances in which Ofcom may consent to a departure from the Format of a service. One of four grounds specified in the Act must be met for Ofcom to be able to consent to the change:
 - a. that the departure would not substantially alter the character of the service. (Note: The legislation requires Ofcom to have regard to the selection of spoken material and music in programmes when determining what the character of the service in question is.);
 - 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.

2.39 We have developed a framework for dealing with Format change requests. This internal Ofcom process follows a different path depending upon whether or not the request is for a substantial change. It is difficult to provide exact definitions of substantial in this context but, as a guide, the simplest test for a **substantial change** would be if the Character of Service, as defined in the Format, required a change in wording. This would undoubtedly signal such a fundamental change, but that should not be the only type of change that could be regarded as substantial.

2.40 If the change is substantial, Ofcom will consult on it before passing it to the Ofcom Content Board for comment. The Radio Licensing Committee will take into account the Content Board's comments in reaching a decision.

2.41 If the change is not substantial, the Radio Content team will report to the Content Board for noting or comment. If required, the Radio Licensing Committee will take into account any comments made by the Content Board in reaching a decision.

2.42 The legislation leaves to Ofcom's judgement the decision about whether to permit a change, even if one of the statutory criteria is satisfied.

2.43 If one of the four statutory criteria is met, Ofcom will apply the following criteria against which to judge whether a request should be approved or not:

- **The extent of the impact of the change on the character of the service.** The judgement will be made on the basis of the overall "sound" of the station. Making this assessment may require the station's content to be evaluated in detail in the context of the Format.
- **The time elapsed since the licence was awarded.** Ofcom recognises that audiences change over time and stations need to adapt in parallel. Consequently, long established stations' requests to modify their format are likely in general to be considered positively in the light of changing listener demands. However a change soon after award would be inconsistent with the licensing process whereby stations define their own Formats in their licence application. As a general rule therefore, no format changes will be permitted in the first two years after a station is launched and, in the period subsequent to that and up to five years after launch, only changes which do not substantially alter the station's character will be permitted. After a five year period since launch, stations will be considered long established and so it is likely that in general a proposed change where there is a strong evidentially-based argument for it, will be entertained. However, even in these circumstances applicants and licensees should not assume that they will be permitted to dispense with the fundamental proposition on which the licence award was based. If a substantial change is permitted at any stage, the RLC will, in general, reset the clock, i.e. to measure 'time since award' as starting from the time when the substantial change is implemented. None of the above guidelines will be affected by any changes in ownership of a radio station.

- **Considerations taken into account in making the original award.** Where the original decision to make the award depended heavily on a specific commitment in the proposed Format, then Ofcom is likely to be reluctant to allow the change.
 - **The views of listeners and stakeholders.** Where Ofcom issues a consultation about a proposed change, the views of listeners and stakeholders will be fully taken into account.
 - **The avoidance of 'Format creep'.** Ofcom will be alert to the possibility that a series of small changes to a Format could in aggregate amount to a substantial alteration to the character of a service. Consequently Ofcom will take into account the effect of a proposed change in the context of previous changes.
 - **Whether the station broadcasts on AM or FM.** Ofcom has long recognised that AM stations are at a disadvantage in retaining listeners because of the relatively poor quality of the medium. Changes, including substantial changes to AM station formats will therefore be more willingly agreed than would be the case for FM stations.
 - **Whether the Format is one issued by the Radio Authority.** Licences given by the RAU may include formats which need to be brought up to date in the light of current Ofcom practice. We will take account of the history of such formats when considering change requests.
- 2.44 In addition, Ofcom may need to consider other statutory obligations in relation to a particular decision. For example, a proposed change that affects the amount of local material or locally-made programming would have to be considered in light of Ofcom's localness obligations under section 314 of the Communications Act.
- 2.45 If a station is considering applying to change its Format, it may wish to contact the Ofcom Radio Content team for advice as to what specific information would be required to support its case for change. This is likely to vary on a case by case basis.
- 2.46 In addition each year the RLC will review the entire process of Format change. As well as assessing the way in which the process operates generally, the RLC will be examining two issues in particular – firstly that licensees do not make a series of apparently minor changes to Formats which in aggregate constitute a substantial change which has not been properly scrutinised; and secondly that decisions on Format change made outside the RLC were properly made. The Content Board will also be informed of the outcome of this review.

Section 3

Input Regulation Changes

- 3.1 With regard to studio location, news hubs, automation and networking, Phase II outlined Ofcom's views and considered the responses to the Phase I consultation, as it moved towards output rather than input regulation..

Studio Location

- 3.2 A station's studios should be based within the "licensed area", rather than the station's measured coverage area (MCA) as previously. This provides stations with some increased flexibility.
- 3.3 In exceptional circumstances, we will consider allowing a station to locate its studios outside its licensed area, for example to co-locate with another station (although this may require a Format change, using the process outlined, to remove any requirement for "locally produced and presented material", while retaining any requirements for local material).
- 3.4 **NEXT STEPS - Ofcom will now consult individually with every licensee with regard to revising all individual Formats to remove existing references to measured coverage areas (MCAs).**

Networking

- 3.5 The Localness Guidelines are based on the stated desire of listeners to be offered relevant and timely local programming by their local radio station and no change has been made to the rules about networking.
- 3.6 **NEXT STEPS - No change to Formats is required. However, any increase in networked hours above those allowed by a station's Format would require Ofcom's approval, under the Format change guidelines, published here.**

Automation

- 3.7 Automation was defined by the Radio Authority as "computer controlled programming, involving the music, voice tracks, drop-ins, commercials and other programming elements being played in accordance with a pre-defined schedule and which is not under the direct control of an on-air presenter."
- 3.8 There are no longer any specific limits on the use of automation, but stations must bear in mind that listeners expect their local station to be live at key times of the day. Automated programming during a station's hours of locally-made programming, as specified in its licensed Format, must be locally-made.
- 3.9 However, Ofcom reserves the right to reconsider whether specific limits on automation should be reintroduced if the removal of regulation in this area proves to be detrimental to the overall quality of radio services; for example if we found that stations were not generally reacting to local or national events in the interests of their listeners.

3.10 NEXT STEPS - Ofcom will now consult individually with every licensee with regard to removing obligations to daytime levels of automation from Formats.

The Delivery of Local News

- 3.11 Groups of stations may operate news hubs as they see fit, but we have revised the wording of the proposal regarding the need for full time professional journalists and tried to bring the proposal more into line with our aim of moving from input to output regulation. The Localness Guidelines have been revised accordingly. This has the effect that local news provision is no longer included as part of the “locally produced and presented” output requirements in a station’s Format.
- 3.12 Ofcom reserves the right to review the position if the changes we set out above result in a decline in the quality of news provision.
- 3.13 NEXT STEPS - Ofcom will now consult individually with those licensees who have news hub provisions in their Format with regard to removing such references.**

Section 4

Content sampling and the Public File

Background

- 4.1 Ofcom is moving toward output regulation and away from input regulation following consultation involving the industry.
- 4.2 Content sampling and the scrutiny of the Public File form a mainstay of this policy. Ofcom will carry out both 'spot' and planned monitoring of output and the Public File.
- 4.3 Ofcom has given consideration to the way in which broadcast output should be regulated and this, naturally, will be through direct sampling of station broadcasts. In order to create as much transparency as possible, Ofcom has, with agreement, carried out three sampling exercises on stations. These stations were chosen as they reflect three different kinds of output obligations. One has mainstream heritage station obligations (Mercia FM), one is smaller and a very local station (Splash FM) and one's obligations are mainly music-based (Magic FM). The results are published here as Annex A.

Regular Sampling

- Regular sampling will be organised to 'spread' across styles, groups and areas in the most constructive possible way.
- It will avoid, where possible, regular emphasis on a particular group but will be designed to cover the local commercial radio landscape over time.
- The usual coverage will involve three days' output, one possibly a weekend day.
- Stations will not be informed in advance of any real-time or retrospective monitoring plans.
- Planned sampling may consist of output scrutiny or Public File scrutiny, or both.
- Output must demonstrate a station's compliance with its Format.
- The Public File must be found to comply with the obligations as set out in the post-consultation Radio Review Phase II.
- In certain circumstances the content of the Public File may compensate for some shortcomings with the selected output sample.
- Stations will be informed of the outcome of the sampling.
- If there is evidence of non-compliance with the Format or the Public File the station will be asked to respond. Ofcom's Radio Licensing Committee will then make a decision on how to proceed. The matter may be resolved at this stage.
- If non-compliance is confirmed the matter may attract a comment, a Yellow Card warning, or triggering a more severe sanction process if warranted.

- Results will be published on the Ofcom website (in the form outlined in Annex A).
- If there is no evidence of non-compliance the station will be informed of the results before publication on Ofcom's website.

Spot Sampling

- 4.4 Spot sampling may be carried out following a Format complaint or other information (in the same way as output tapes are called for at present, but not as a replacement process).
- Depending on the nature of the complaint or information the sampling process may be retrospective or real time.
 - Stations will be told the reason for the sampling if tapes are requested.
 - Findings will be dealt with as above.

Approach

- 4.5 Ofcom's processes with regard to content and Public File scrutiny are designed solely to confirm that stations are operating within their Format with particular regard to localness and music obligations.
- 4.6 Any other compliance problems which emerge will be taken out of this process and into the complaints process.
- 4.7 Given the different nature of individual Formats there is no one template against which to judge stations' performance. However, with regard to localness, music and the Public File there are specific areas which Ofcom will examine in order to ascertain that, overall, a station is appearing to operate successfully within its Format and licence obligations. These are :

Localness

- 4.8 The Localness Guidelines, as set out in the Radio Review Phase II, will be the backdrop against which monitors will judge output if satisfactory localness levels are not otherwise obviously apparent.
- 4.9 Monitors will look for content that adequately answers the following questions, having regard to the depth of localness indicated within the Format:
- Does a particular programme/strand content clearly come from the area it is supposed to serve, or could it be played out anywhere?
 - If not, is this compensated through, or balanced by, other programmes or content on the station?
 - Taken as a whole, does the three days output successfully engender a local feel?
 - Are there specific local features carrying local information?
 - Does local news feature in the bulletins as indicated within the Format?

- What other observations with regard to localness can you make with regard to the specific Format localness obligations?

Music

4.10 The Format obligations with regard to music are clearly set out for each station, and will be the only criteria against which the musical output is judged. The monitors will explore the basic areas through such questions as :

- Is the 'core' music obligation being delivered?
- Are specific minimums/maximums being met?
- Are specialist or local music obligations (if any) being met?
- Are there any other specific music issues raised through the sampling?

4.11 As with localness, it may be that particular important elements of music content are delivered outside monitored times. This can be ascertained through dialogue with the licensee. It might also be that Public File content could provide additional context with regard to music content.

Public File

4.12 Monitoring Public File content will be a tick-box process to a large degree. However, as its purpose is to provide a snapshot of localness and musical direction [and once the system is up and running fully] it is likely to be the monitor's first port of call, as it should act as signpost to features and characteristics of a station, helping to form an idea of station character before monitoring is begun.

4.13 The check-list must include all the following (as set out in the Radio Review Phase II) unless specific Formats indicate that particular areas might be irrelevant:

- News Bulletin Schedule including which bulletins provide local news and which provide only UK-wide bulletins (together with a note of extended bulletins where relevant to Format).
- Recent News stories covered on air (this could be today's news, a formal archive or recent examples).
- The News team.
- The programme schedule.
- The average number of hours of automated programming within weekday daytimes and within daytimes on Saturdays and Sundays.
- The amount of local programming per day produced by the station.
- Ofcom Localness Guidelines and how to complain to Ofcom (or link to the relevant part of Ofcom's website).
- Station Contact details.
- Events/ charities support or coverage.

- Recent programme and/or news highlights.
 - Any other issues or areas of interest likely to impact on localness.
 - The station's playlist.
- 4.14 Failure to allow public access to any of the above will be seen as a compliance failure. The seriousness with which this is viewed will depend entirely on which elements are missing/unsatisfactory, and the circumstances. A serious compliance failure could result in the triggering of the process as set out above.
- 4.15 Ofcom will, as with output monitoring, select stations for arranged inspections of Public File content in order to traverse the radio landscape over a period of time. Spot inspections of the Public File will be regarded as exceptional, but may well follow a particularly disquieting complaint.
- 4.16 **NEXT STEPS - Ofcom will contact individually each licensee with regard to the actual wording to reflect this new obligation to keep a Public File. The wording will be inserted within the Licence itself. The obligations involved with the Public File are set out above, along with an explanation of how station sampling, which is at the heart of output regulation, will be carried out.**

Annex 1

Examples of station sampling reports

- Splash FM (107.7)
- Magic 105.4 (London)
- Mercia FM

CONTENT SAMPLING REPORT

Station : Splash FM (107.7)

Dates Sampled : November 3, 4 and 5 2005 and various..

Station Character of Service :

A LOCALLY-FOCUSED MUSIC AND INFORMATION STATION FOR WORTHING AND THE IMMEDIATELY SURROUNDING AREA.

Station Format Detail :

The licensee will broadcast a locally-focused service for which the primary target audience is those aged over 35 years. It will feature all the local news and information necessary to make the most of life in and around Worthing. Speech will account for at least 20% of weekday daytime output and, other than news, should include such features as travel news, weather/tide reports, 'what's on' information, a community noticeboard feature, a recruitment feature, a weekly crime prevention feature and seasonal tourist information. Bulletins containing local news will be broadcast at least once per hour between 0630-1800 weekdays and 0700-1300 Saturdays; outside of these times, national/international news will be broadcast regularly. An extended bulletin, of at least 10 mins. duration and which includes a significant proportion of local news, will be broadcast each weekday evening in peaktime. Locally-focussed sports bulletins will be broadcast during peaktime on weekdays and within Sunday breakfast. On Saturday afternoons, regular updates will be given on local fixtures. The music selection will be comprised of popular hits from the last four decades, together with accessible current and/or recent chart hits. All four decades must be represented in the playlist, but a slight bias towards material from the last two decades (other than current/recent chart hits) is permissible. Current/recent chart hits should not account for more than 20% of total music output during weekday daytime. Specialist programming that complements the main mix may be broadcast outside of daytime.

Format Obligations : Pre-sampling observations ...

Splash FM serves a relatively small but well-defined area of the south-coast with an obligation to reflect within its coverage of this area a high level of localness through both news and information in its daytime programming. This particularly high level of demand is also reflected within the demand for sport-based obligations and community information demands. Extended bulletins are an obligation, and speech minima within daytime are 20%, which is a higher barrier than that for many mainstream stations. Such demands reflect the target audience of the station, which is over 35's.

Its music can be a spread of appropriate tracks from across the decades with the flexibility to add current tracks where suitable along with specialist music (normally out of daytime hours) if deemed necessary. The only major restriction involves a ceiling (of one in five) on the amount of current chart material.

The Format is unusually detailed, reflecting the output promised within the original licence application.

Localness and General Format Findings (excluding news)

Breakfast, morning and drive-time presenters all constantly made reference to their broadcast base of Sussex whether through the state of the weather (of particular importance to a commercial coastal area), through the state of the roads or traffic, or through the activities of local personalities and residents.

News items permeated programming on a number of occasions, such as the closure of Worthing Pier (and its subsequent re-opening), and particularly significant accidents which became part of programming outside the twenty/twenty travel slots.

Brain-teasers and missing word competitions provided opportunities for round-the-area place-name mentions as well as 'live' listener participation.

Features such as regular local Jobcentre links, newspaper reviews, bride features and local school run requests complimented the whats-on guides and other regular information slots.

The whats-on guides were wide-ranging in their content – from comedy clubs and firework displays to local theatre productions.

A daily call the Beach Office provided not only weather and sea prospects but its informal approach created an opportunity to highlight many other of the social aspects and activities of the area.

Programming flexibility was demonstrated on a number of occasions during sampling, such as Adur Council's communications breakdown when the station gave out emergency numbers for people trying to get in contact.

Regular formal interviews of specific local relevance are part of the station's schedule, mainly in the morning and drive-time programmes. During the week of sampling interviewees included the editor of Worthing Plus magazine talking about local events and her magazine aimed at over 50s; a local woman talking about a climbing expedition to Kilimanjaro for a local hospice; Julia Fordham, the singer who is working with a local school to raise money for tsunami victims; Jan Henley (Anna Cheska), the Worthing author running local creative writing courses. There are also regular 'surgeries' such as gardening experts.

News

Local news began at 6am each day. It contained both 'quality' audio and 'phone audio through the day and re-writes and follow-ups were heavily in evidence. The majority of each bulletin was either a locally generated or locally processed item.

Stories within one bulletin included the local NHS hospital beds position, West Durrington planning opposition, Sussex police reaction to criticism over demo handling, village regeneration, a local spokesman firework safety, and local sport which included audio on the Sussex Under 16s football championships. Local sport also featured heavily during the weekend output. The extended ten-minute news is broadcast at 6pm, and was a full local news and sport round-up as well as showbiz news, traffic and weather

Music :

Splash has a wide music remit, and included artists ranging from the Corrs and Katy Melua through Pink Floyd and Santana to Huey Lewis and Peter Frampton, Currents were sprinkled through the play-out, and included a pre-release play of Will Young's latest single.

Specialist slots such the Rock Block, Drive-Home anthems and full shows such as Love Songs in the evening and Saturday Night's Soul Train were heavily promoted as 'spice'

Content Sampling Conclusion :

Splash's remit to provide a locally-focused station highlights the problems smaller stations face in having to provide a higher level of speech and information, which requires more creative input – and often more finance – than the delivery of the remit of many larger-serving stations.

Its dedication to successfully fulfilling the remit was very much in evidence early on during the content sampling and there is clear over-delivery throughout daytime. Information tends to be packaged as 'chat' rather than as lists and this programme flexibility allows appropriate news items to permeate general output and enhance the instantly recognisable local 'feel'.

Music output is as varied as the Format allows and consent to broadcast specialist output has been utilised.

Major local news and events are all accessible within the station website, as are community contacts.

This station is operating within its Format

Notes on Content Sampling

Ofcom's Content Sampling Procedure :

In Ofcom's move of emphasis from input regulation towards output regulation, content sampling has become an important regulatory process. Ofcom has already published the methods to be applied when formally listening to local commercial stations to create a content sampling report. These methods and processes are published at www.ofcom.org.uk .

Background Information

Content sampling is a major Ofcom tool in judging the level of station compliance with regard to

- a) Public File*
- b) Localness*
- c) Music*

Content sampling may be carried out as part of an organised process, or may be as the result of a complaint.

Public File

Public File obligations are [to be] enshrined within each station Format. The Public File and/or station website will, in many cases, not only support the findings of content sampling, but signpost monitors to output that enhances specific aspects of localness and music, whether or not it involves the specific days being monitored.

Localness and Music

Localness guidelines are available on Ofcom's website at

<http://www.ofcom.org.uk/radio/ifi/rbl/commer/ar/localness/> and station localness and music obligations will vary considerably from Format to Format.

CONTENT SAMPLING REPORT

Station : Magic 105.4 (London)

Dates Sampled : Nov, 3, 4 and 5 2005 and various

Station Character of Service :

MAGIC IS AN EASY-LISTENING SOFT MUSIC-LED SERVICE AIMED AT THE MORE MATURE LONDONER (AT LEAST OVER 35) AND DISTINCTIVE FOR ITS RELAXED AMBIENCE.

Station Format Detail :

The service will be most easily identified by its choice of soft and melodic tracks which will avoid material with a strident beat. Loud and frenetic jingles will also be avoided and speech links will generally be short.
Two categories of music, 5 to 15 and 15 to 25 years old, will each account for up to 60% of the music output but never less than 25%.
Tracks from the last five years must be limited to 40%.
Tracks over 25 years old may account for up to 40% of output.
Specialist programming complementing the core sound may be run in non-daytime hours
Hourly news bulletins will be run at least during daytime.
Speech will not account for more than 20% of daytime output.
Syndicated specials may account for up to 6 hours a week.

Format Obligations : Pre-sampling observations ...

The station's Character of Service and Format detail both make it clear that Magic is a music-led service for mature Londoners rather than a speech or information-heavy station. Its Format is an uncommon one in that it specifically demands an 'uncluttered' service which is to be identified by its choice of melodic tracks and absence of 'frenetic' jingles as much as anything else. Localness is a difficult concept for a London-wide station, and the station's obligations with regard to speech can be (but need not be) restricted to news and short speech links.

Localness and General Format Findings (excluding news)

Speech, as required by the Format Detail, was kept brief. The Mystery Voice competition, which reached over £45,700 during one day sampled, is also used as a vehicle for putting listeners (and their home area) live to air hourly during daytime. The London weather forecast was full and frequent, as were the travel reports. There were infrequent mentions to areas of London within programming. Little disrupted the back-to-back melodic tracks.

News

News from the Magic newsroom during daytime was a full service of national and capital-related stories, Many specific London stories – a Brixton baby found,

Millennium Bridge problems, Canary Wharf planning, a London stabbing and so on – were in evidence throughout the sampling period, many using audio and being followed through each day by the newsroom in both bulletins and headlines. The choice and order of news stories both during the weekdays and weekend, when sport was, as expected, more prevalent, gave a full flavour of the capital, and this was clearly a London-based service.

Music :

Magic's present slogan is "More Music, Less Talk" and set the tone of the sample period. Hits back-to-back, Maximum Music Hours and the like revealed a mix of melodic hits clearly chosen to fulfil the remit. Artists ranged from James Blunt and Robbie Williams, through Madonna and Shania Twain to the Carpenters and Elvis.

"Mellow Magic" dominates evenings and overnights, when typical artists are Randy Crawford, Simply Red, Elton John, Bill Withers and Michael Buble. Weekends followed a similar pattern, but without the Mystery Voice competitions. Magic runs occasional 'personal choice' programmes and during the sample period this featured Annie Lennox, who had followed George Michael.

Content Sampling Conclusion :

Magic lays heavy emphasis on its 'uncluttered' obligations, and uses the music to establish its identity as demanded by the Format. The choice and timing of the music clearly creates the familiarity through the day needed by stations in such a heavy market place. The scheduled list of tracks ran the gamut of music that could be regarded as mature, but stayed under the melodic umbrella. The Magic newsroom produced a good variety of London-centric news and sport both during the weekdays and weekend. It had pace, but pace that fitted the pace of the rest of the programming. It branded the station as an obviously London station without detracting from the musical *raison d'être* and its need to target over 35s..

This station is operating within its Format

Notes on Content Sampling

Ofcom's Content Sampling Procedure :

In Ofcom's move of emphasis from input regulation towards output regulation, content sampling has become an important regulatory process. Ofcom has already published the methods to be applied when formally listening to local commercial stations to create a content sampling report. These methods and processes are published at www.ofcom.org.uk.

Background Information

Content sampling is a major Ofcom tool in judging the level of station compliance with regard to

- a) Public File*
- b) Localness*
- c) Music*

Content sampling may be carried out as part of an organised process, or may be as the result of a complaint.

Public File

Public File obligations are [to be] enshrined within each station Format. The Public File and/or station website will, in many cases, not only support the findings of content sampling, but signpost monitors to

output that enhances specific aspects of localness and music, whether or not it involves the specific days being monitored.

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CONTENT SAMPLING REPORT

Station : Mercia FM

Dates Sampled : Nov 3, 4 and 5 2005 and various

Station Character of Service :

**A CONTEMPORARY AND CHART MUSIC AND INFORMATION STATION
FOR UNDER 40s IN THE COVENTRY AREA.**

Station Format Detail :

Music programming will be current chart hits, new releases or hits up to ten years old. Up to 25% may be hits over 10 years old. Specialist music programmes for the target audience, which complement the main music mix, may be broadcast for up to 30 hours a week, mostly in non daytime.

The station will be music-led, but information and/or features of particular local relevance will be strongly in evidence throughout programming (and via informational inserts/drop-ins during each hour of non locally produced programming, except for occasional syndicated shows such as the Network Chart), with hourly bulletins containing local news run at least during peak-time. National news will feature at other times. Speech should account for at least 10% of daytime output.

Format Obligations : Pre sampling observations :

Mercia FM is a heritage station and like most such stations enjoys a relatively 'open' and free Format. Its speech obligations are not significant, although as they are set at minima the station could always choose to deliver more speech.

Similarly the music demands are such that while contemporary-cum-chart music is the staple diet, there is flexibility to deliver up to one-in-four tracks over 10 years old. This is significant flexibility for a station catering primarily for listeners under 40 and a station that is music-led.

Protection of out-of-hours localness/information has been put in place by the demand for drop-ins during hours the station is networked.

Localness and General Format Findings (excluding news)

Weekday daytime programming majored on showbiz, music and newspaper content comments. Outside news, travel, weather and the like, localness was, by and large, delivered through on-air competitions.

At the weekend programming chat became, understandably, more activity-based and a number of the Saturday 'links' pointed listeners to adult and youngster activities being organised across the region.

Out of daytime around three slots an hour provided information about activities, community gatherings, local help, organisations and meetings. These varied from local advice on green waste, the Neighbourhood Watch, Mother and Baby groups, toy sales and craft markets to local theatre, domestic violence advice, business training and dog charities.

News

News bulletins during daytime were carefully targeted across Coventry and the surrounding area. One sampled day majored on a Coventry shooting, but covered a raft of other issues including a problem with Coventry taxis. The stories were followed through and audio was both 'quality' and telephone. The resignation of the Coventry City chairman became a running story and was updated through bulletins with various follow-up leads. Travel was high profile, along with appeals for Phone Rangers, as was the local weather.

Sport was high profile through weekday breakfast and even more so at the weekend,

Music :

Mercia's slogan is the "Best Music of the 80s, 90s and Today" and core tracks included Daniel Powter's Bad Day, Sugar Babes' Push the Button, Pussy Cat Dolls' Don't Cha, and KT Tunstall's Suddenly I See. The playlist included a heavy selection of re-currents and older tracks. Past hits from Robbie Williams, Coldplay, Oasis, Kylie Minogue, Liberty X and David Craig fell into this category.

Specialist programming includes Late Night Love, taking callers from across the network, and music shows such as Ministry of Sound, plugged heavily during the week and broadcast Monday to Saturday, and the CD countdown looking at the sale of CDs in the Warwickshire area. An eighties show and revival show feature on Sunday morning. Saturday afternoon programming ran non-stop number-Ones (albums, singles, movies and so on) with occasional interview inserts.

Content Sampling Conclusion :

Mercia's 10% speech limit is covered off during weekday daytime mainly through news, travel and weather. The news service was comprehensive and followed local and regional stories through daytime with a good selection of audio. The weekend news, too, was distinct in its regionality.

The flexibility of the Format musically was utilised, with a range of eras and also (at weekends) album tracks as well as singles. Programming is demographically rather than locally targeted. Music programming does include an amount of speech other than presenter-based showbiz chat in the use of clips of best-selling artists

This station is operating within its Format

Notes on Content Sampling

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