



Capital FM Birmingham

Request to change Format

Consultation

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Section 1

Summary

- 1.1 Global Radio Holdings Ltd is the holder of an FM commercial radio licence for the Birmingham area, under which it provides the Capital FM Birmingham service.
- 1.2 Ofcom has received a request from Global Radio Holdings Ltd. to change the Format of Capital FM Birmingham. The Format describes the type of programme service which is required to be provided, and forms part of the station's licence.
- 1.3 Capital FM Birmingham's Format includes requirements to provide "a rhythmic-based music and information station primarily for listeners of African or Afro-Caribbean origin, but with cross-over appeal to young white fans of urban contemporary black music and at least 26 hours a week of identifiable specialist music programmes (to include reggae, RnB and hip hop rhythmic-based (e.g. dance, club etc.))". Global Radio Holdings Ltd's request is to replace these requirements with the following new requirements: "a rhythmic-based music-led service for 15-29 year-olds supplemented with news, information and entertainment. The service should have particular appeal for listeners in their 20s and at least 12 hours a week of identifiable specialist music programmes". These proposed changes would align the music output of Capital FM Birmingham with other Capital FM services elsewhere in the UK, although Capital FM Birmingham would still be required to broadcast locally-made programmes for at least seven hours each weekday daytime (including breakfast) and four hours on each of Saturday and Sunday.
- 1.4 Capital FM Birmingham has already elected to commit to providing an enhanced local news service in return for being allowed to broadcast a greater number of networked hours. Ofcom's localness guidelines set out how this provision should manifest itself. There is no proposal to change from this commitment.
- 1.5 A request for a Format change can be approved only if it satisfies at least one of the five criteria set out in section 106(1A) of the Broadcasting Act 1990 (as amended). The criteria are set out in full in Section 2 of this document.
- 1.6 Ofcom does not consider that Global Radio Holdings Ltd's request satisfies section 106(1A)(a) – that the change would not substantially alter the character of service. As a result, we are required by statute to consult on this request.
- 1.7 We seek views on this request, having particular regard to the criteria set out in section 106(1A)(b) to (d) of the Broadcasting Act 1990. The consultation question may be found in Annex 4.

Section 2

Details and background information

Service details

- 2.1 The licence for Capital FM Birmingham was re-advertised and subsequently granted by the Radio Authority to Choice FM in 1995 as a local radio station serving the Birmingham area which has a total population of some 1.2 million adults.
- 2.2 The principal proposal by Global Radio is to replace the requirement to play 'rhythmic-based music primarily for listeners of African or Afro-Caribbean origin and young white urban contemporary fans' with a 'rhythmic-based service for 15-29 year-olds' in order to align the broadcast output of this licence with the output broadcast across the Capital FM network. The radio group is also requesting a reduction in the requirement to broadcast 26 hours of specialist music per week.

Current Character of Service

A RHYTHMIC-BASED MUSIC AND INFORMATION STATION PRIMARILY FOR LISTENERS OF AFRICAN OR AFRO-CARIBBEAN ORIGIN, BUT WITH CROSS-OVER APPEAL TO YOUNG WHITE FANS OF URBAN CONTEMPORARY BLACK MUSIC AND AT LEAST 26 HOURS A WEEK OF IDENTIFIABLE SPECIALIST MUSIC PROGRAMMES (TO INCLUDE REGGAE, RnB AND HIP HOP RHYTHMIC-BASED (e.g. DANCE, CLUB etc)).

Proposed Character of Service

A RHYTHMIC-BASED MUSIC-LED SERVICE FOR 15-29 YEAR-OLDS SUPPLEMENTED WITH NEWS, INFORMATION AND ENTERTAINMENT. THE SERVICE SHOULD HAVE PARTICULAR APPEAL FOR LISTENERS IN THEIR 20s AND AT LEAST 12 HOURS A WEEK OF IDENTIFIABLE SPECIALIST MUSIC PROGRAMMES.

Background to proposed change

- 2.3 Global Radio has requested changes to the Character of Service of two stations in the Capital FM network, Capital FM Birmingham and Capital FM Scotland. This consultation considers the Format Change Request for Capital FM Birmingham specifically. Ofcom has published a separate consultation document with regard to the separate Format Change Request for Capital FM Scotland.
- 2.4 This Format Change Request (see Annex 5) reflects the radio group's desire to "bring the formats of a number of [the] stations in the Capital FM network into line". The Capital FM network comprises nine radio stations all of which share networked programming from Capital FM London, with the exception (in the case of Capital FM Birmingham) of seven hours a day (daytime weekdays) and four hours a day (daytime weekends). Capital Birmingham takes advantage of providing an enhanced local news service (as described in Ofcom's localness guidance) in return for being able to broadcast a greater number of networked hours per week. This aspect of the service would remain. See Format: Annex 6.
- 2.5 This local radio licence for Birmingham had its Format changed in July 2005 and in musical terms the requirement of the Format to broadcast "a rhythmic-based music

and information station primarily for listeners of African and Afro-Caribbean origin, but with cross-over appeal to young white fans of urban contemporary black music” has changed little since that date.

- 2.6 Global Radio in its request presents a case that the range of programmes available to listeners in Birmingham would not be narrowed if its proposed changes were agreed.¹ The Format change request suggests that the genres of rhythmic-based music enjoy mainstream appeal and the requirement to specifically serve audience groups such as listeners of Afro-Caribbean origin does not reflect such a change in musical tastes. Similarly the request compares the music output of Capital FM (Yorkshire) with local stations in the same market as Capital FM (Birmingham): BRMB, Heart FM, Smooth Radio and Kerrang! to determine the degree of overlap the proposal would create.
- 2.7 The Global Radio Format Change Request presents evidence of demand for the service.² It documents steady growth in RAJAR listener numbers (weekly reach) over nine years and has interpreted this as the increased appeal of the rhythmic music genres played by the station.
- 2.8 The Format Change Request suggests that the reduction in specialist music programming hours is not significant.

The proposed change

- 2.9 The current Capital FM Birmingham Format is shown in Annex 6.
- 2.10 The request is for Capital FM Birmingham to:
- Replace the term “a rhythmic-based music and information station” with the term “a rhythmic-based music-led service”
 - Change the target demographic from “listeners of African and Afro-Caribbean origin, but with cross-over appeal to young white fans of urban contemporary black music” to a “service for 15-29 year-olds” with “particular appeal for listeners in their 20s”
 - Supplement the music-led service with “news, information and entertainment” for the new target audience
 - Reduce the amount of specialist music programmes from at least 26 hours a week to at least 12 hours a week.

Statutory Criteria

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

(a) *that the departure would not substantially alter the character of service*

¹ See statutory criterion (b) in paragraph 2.11

² See statutory criterion (d) in paragraph 2.11

- (b) *that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided;*
- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition*
- (d) *that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure; or*
- (e) *that (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).*

Scope of this consultation

- 2.12 Even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria above, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to which Ofcom will have regard when exercising this discretion can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>
- 2.13 Given that the change proposed by Global Radio requires changes to the wording of its published Character of Service, we do not consider that Global Radio's request meets criterion (a), that the departure would not substantially alter the character of service. Therefore, in accordance with section 106ZA of the Broadcasting Act 1990, we are consulting on the request.
- 2.14 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*), neither local DAB services nor BBC services 'count' as relevant independent radio services. The relevant independent radio services are those local analogue commercial and community stations which operate in the area. These are listed in Annex 7.
- 2.15 The Format Change Request (Annex 5) submitted by Global Radio, makes a case that the proposed change satisfies criterion (b) and (d) in section 106(1A) of the Broadcasting Act 1990.
- 2.16 We are therefore seeking views on the request, having particular regard to the Format change criteria set out in Section 106 (1A)(b) to (d) of the Broadcasting Act 1990 (as amended).

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 28 July 2011**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/capital-FM-Birmingham/>, 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 For larger consultation responses – particularly those with supporting charts, tables or other data – please email: paul.boon@ofcom.org.uk, attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below:
- Capital FM (Birmingham)
F.A.O. Paul Boon
Senior Radio Executive
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7981 3850
- A1.5 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.
- A1.6 It would be helpful if your response could include direct answers to the question asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how the proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Paul Boon on 020 7981 3616.

Confidentiality

- A1.8 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, 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.

- A1.9 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.
- A1.10 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/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.12 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

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is as easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 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 . 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.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@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.
- 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/.
- 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: Capital FM (Birmingham) Consultation

To (Ofcom contact): Paul Boon

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	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	<input type="checkbox"/>

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 question

One Question

A4.1

Q 1. Should local radio station Capital FM (Birmingham) be permitted to make the changes to its Character of Service as proposed with particular regard to the statutory criteria as set out in the summary? (The Broadcasting Act 1990 Section 106 (1A) (b) and (d) relating to Format changes).

Annex 5

Global Radio’s request for the change of Format for Capital FM (Birmingham)

Analogue Commercial Radio Licence: Format Change

Date of request:	6 th June 2011
Station Name:	CAPITAL FM BIRMINGHAM
Licensed area and licence number:	Birmingham AL046
Licensee:	Global Radio Holdings Ltd
Contact name:	Will Harding

Details of requested change(s) to Format

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

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

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

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

- (a) *that the departure would not substantially alter the character of the service;*
- (b) *that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided;*
- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition*
- (d) *that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure; or*
- (e) *that (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).*

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

Applicants should note that, under section 106ZA of the same Act (as amended), a proposed change that *does not* satisfy the first or last of these criteria (i.e. a change that Ofcom considers *would* or *could* substantially alter the character of the service, or does not relate to the origin of locally-made programmes) must, if it is to be considered further under any of the other three criteria, be consulted upon. #.

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

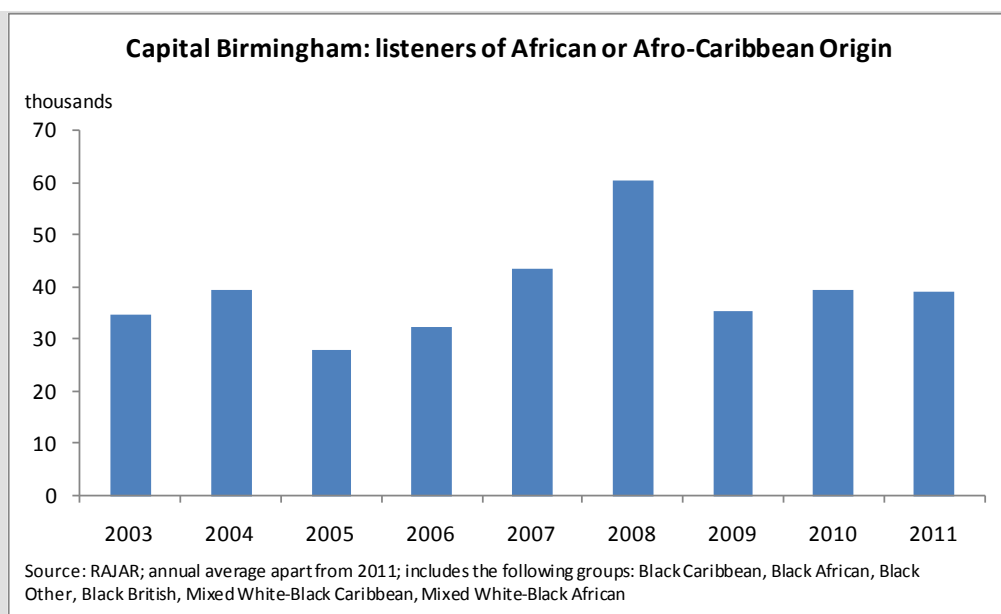
Please set out the statutory criterion, or criteria, set out in section 106(1A) of the Broadcasting Act 1990 that you believe is/are satisfied in relation to this Format change request, and the reasons for this:

Section 106(1A)(b) that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided

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

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

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



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

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

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

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

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

The largest overlap was between Capital Yorkshire and BRMB, reflecting the current popularity of rhythmic tracks, but nevertheless, over 70% of the tracks played on

Capital Yorkshire did not feature in BRMB's top 100. Overall, 70% of the top 100 tracks on Capital Yorkshire were not in the top 100 tracks played on any of the other FM stations available in the area during the period.

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

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

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

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

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

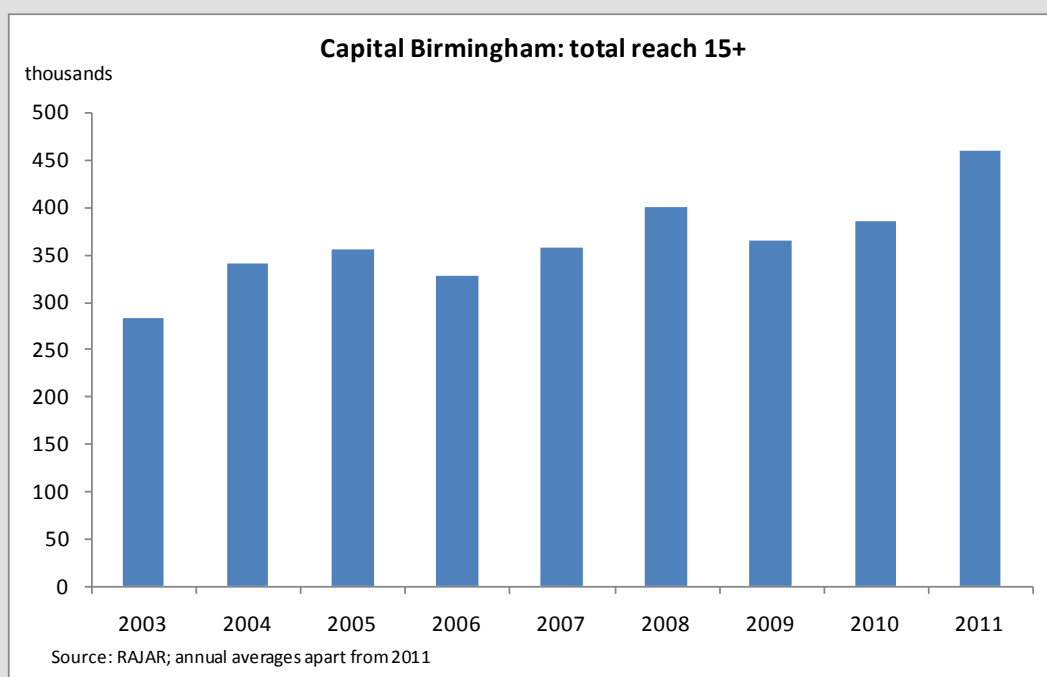
The reduction in the number of specialist hours, from 26 to 12, is not a significant change. Specialist programming is broadcast outside of daytime (this was a format requirement up to 2008) at times when audiences are relatively low, so the impact of this change on the overall character of service of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

Section 106(1A)(d) that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure

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

As shown below, the total adult reach of the station has grown from 14% in 2003 to

22% in the latest available survey.



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

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

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

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

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

The change to Star's format was approved on the basis that the station would remain distinctive against other commercial radio services in the area and on the basis that it was no longer necessary to retain a commitment to multicultural programming on the station because 2 community stations had recently launched in the city.

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

Notes

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

Version 6 – amended April 2010

Annex 6

ANALOGUE COMMERCIAL RADIO STATION FORMAT

Service name

CAPITAL FM BIRMINGHAM

Licence number	AL046
Licensed area	Birmingham area
MCA population	1,223,555
Frequency/ies	102.2 MHz

Character of Service

<p>A RHYTHMIC-BASED MUSIC AND INFORMATION STATION PRIMARILY FOR LISTENERS OF AFRICAN OR AFRO-CARIBBEAN ORIGIN, BUT WITH CROSS-OVER APPEAL TO YOUNG WHITE FANS OF URBAN CONTEMPORARY BLACK MUSIC AND AT LEAST 26 HOURS A WEEK OF IDENTIFIABLE SPECIALIST MUSIC PROGRAMMES (TO INCLUDE REGGAE, RnB AND HIP HOP RHYTHMIC-BASED (e.g. DANCE, CLUB etc)).</p>	
Service duration	24 hours
Locally-made programming	<p>Studio location: Locally-made programming must be produced within the licensed area.</p>
	<p>Locally-made hours: At least 7 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.</p>
	<p>Programme sharing: No arrangements.</p>
Local news	<p>At least hourly during peak-time weekdays and weekends. At other times UK-wide, nations and international news should feature.</p>

Definitions

Speech	Excludes advertising, programme/promotional trails & sponsor credits
Peak-time	Weekday breakfast and drive-time, and weekend late breakfast
Daytime	06.00 to 19.00 weekdays and weekends

Notes

This Format should be read in conjunction with Ofcom's published Localness Guidelines

Last amended: June 2010

Annex 7

Commercial and community radio stations operating in the Birmingham area

Commercial Stations

- Capital FM (Birmingham)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al046-2.htm>
- BRMB (Birmingham)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al077-2.htm>
- Heart (West Midlands)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al169-1.htm>
- Kerrang! (West Midlands)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al288-1.htm>
- Smooth Radio (West Midlands)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al265-1.htm>
- Gold (Birmingham)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al076-2.htm>
- Radio XL (Birmingham)
<http://www.ofcom.org.uk/static/radiolicensing/amfm/al171-1.htm>

Community Stations

- Raaj FM (Sandwell)
<http://www.ofcom.org.uk/static/radiolicensing/Community/cr177.htm>
- Big City (Aston)
<http://www.ofcom.org.uk/static/radiolicensing/Community/cr038.htm>
- Radio Sandwell (Sandwell)
<http://www.ofcom.org.uk/static/radiolicensing/Community/cr176.htm>
- Switch (Castle Vale)
<http://www.ofcom.org.uk/static/radiolicensing/Community/cr174.htm>
- Unity FM (Birmingham East)
<http://www.ofcom.org.uk/static/radiolicensing/Community/cr039.htm>
- New Style Radio (Birmingham)
<http://www.ofcom.org.uk/static/radiolicensing/Community/cr037.htm>

