

A request from Asian Sound Radio Ltd, the holder of the AM licence for East Lancashire, to change the Format of Asian Sound Radio was discussed by Ofcom's Radio Licensing Committee at its meeting on 03 April 2012. The Committee decided to approve the request, subject to one drafting amendment.

The existing Character of Service (as set out in Asian Sound Radio's published Format document) is as follows:

A LOCALLY ORIENTED MUSIC AND INFORMATION SERVICE FOR ASIAN LISTENERS IN EAST LANCASHIRE, WITH A MIX OF MUSIC. AT LEAST A THIRD OF THE OUTPUT WILL BE IN URDU AND HINDI, AND THE GUJERATI AND BENGALI SPEAKING COMMUNITIES WILL BE CATERED FOR.

The new Character of Service proposed by Asian Sound Radio was:

A LOCALLY ORIENTED MUSIC AND INFORMATION SERVICE FOR ASIAN LISTENERS IN EAST LANCASHIRE, WITH A MIX OF MUSIC. AT LEAST A THIRD OF THE OUTPUT WILL BE IN URDU AND HINDI, AND THE GUJERATI AND BENGALI SPEAKING COMMUNITIES WILL BE CATERED FOR. ON THE 1377 kHz TRANSMITTER ONLY, A MUSIC-BASED SERVICE TARGETING THE ASIAN ARABIC MUSLIM COMMUNITY MAY BE BROADCAST.

Ofcom determined that the request, if granted, would represent a significant change to the character of the station's existing service, because it would permit the creation of an entirely new service over a substantial part of its coverage area, with a different target audience to that of the current Asian Sound Radio service (i.e. specifically Asian and Arabic Muslims, rather than the more general Asian population).

We received two non-confidential responses to the consultation. Both were in favour, arguing that the change would increase choice for listeners.

The non-confidential responses may be found, along with the consultation document, at:

<http://stakeholders.ofcom.org.uk/consultations/asian-sound/>

Ofcom has the ability to consent to Format changes under conditions included in each local analogue commercial radio licence, in accordance with Section 106(1A) of the Broadcasting Act 1990, if it is satisfied that at least one of the following criteria is met:

- 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 or 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.
- e. That the change would result from programmes in the licensed service ceasing to be made at premises in the area, but those programmes would continue to be made wholly or partly at premises within an area approved by Ofcom.

For the reasons already noted, Ofcom did not consider that the request met criterion (a). In addition, in considering the request following the consultation, the RLC took the view that criterion (e) was not relevant as there was no proposal to change the location where programmes included in the service are made, and criteria (c) and (d) were not applicable as Asian Sound had not submitted any evidence to make a case under these criteria. Consequently, the RLC's discussion focused around whether it was satisfied in relation to section 106(1A)(b), as it was required to be so satisfied before it could decide whether or not to agree to Asian Sound's request.

Firstly, it was noted that, for listeners to the Asian Sound service broadcast on 963 kHz, there should be no change at all, since Asian Sound will continue to broadcast its existing service.

The view of the RLC was that the effect of the proposed change to the station's output on 1377 kHz would be broadly neutral. Listeners to the 1377 kHz Manchester transmitter would essentially be losing one 'targeted' service (for Asian listeners) but gaining another (i.e. a more specifically 'targeted' service designed to appeal to Asian and Arabic Muslim listeners).

While there is an existing community radio service which targets the Muslim Asian community broadcasting on FM in Rochdale (Crescent Community Radio), the overlap between Crescent's Measured Coverage Area and that of Asian Sound's 1377 kHz transmitter is very limited, meaning that most listeners in the area served by Asian Sound's 1377 kHz transmitter would not be able also to receive Crescent.

Given the limited extent of this overlap, the Committee was satisfied that the proposed change of Format would not narrow the range of programmes available in Asian Sound's licensed area by way of relevant independent radio services (section 106(1A)(b)).

Having determined that the request satisfied one of the statutory criteria set out in section 106(1A) of the Broadcasting Act 1990, the Committee decided that there were no further, discretionary, grounds on which to refuse the request. It noted that Ofcom's published notes of guidance state that changes to AM station formats will be more willingly agreed than would be the case for FM services. This policy is in recognition of the fact that AM stations are at a disadvantage in retaining listeners because of the relatively poor technical quality of the AM waveband.

It was also noted from Asian Sound's change request that the current service would continue to be available to listeners in the Manchester area via DAB digital radio, although under existing statute this is not a factor the RLC was able to take account of in its decision, given that section 106(1A)(b) must be satisfied purely with regard to the range of available analogue radio services.

For the purposes of clarity, the Committee agreed to a suggestion from the Ofcom executive that a minor drafting change should be made to the description of the target audience for the new 1377 kHz service. This would replace the proposed "Asian Arabic Muslim community" with "Asian and Arabic Muslim community". Asian Sound had agreed prior to the meeting that it would be content for such a change to be made, in the event of the Format change request being approved by the Committee.

The new Format for Asian Sound Radio will now read as follows:

A LOCALLY ORIENTED MUSIC AND INFORMATION SERVICE FOR ASIAN LISTENERS IN EAST LANCASHIRE, WITH A MIX OF MUSIC. AT LEAST A THIRD OF THE OUTPUT WILL BE IN URDU AND HINDI, AND THE GUJERATI AND BENGALI SPEAKING COMMUNITIES WILL BE CATERED FOR. ON THE 1377 KHz TRANSMITTER ONLY, A MUSIC-BASED SERVICE TARGETING THE ASIAN AND ARABIC MUSLIM COMMUNITY MAY BE BROADCAST.