

Statement Smooth Radio London

A request from GMG Radio to change the Format of Smooth Radio London was discussed by the Radio Licensing Committee on 2 August 2010.

GMG's request was to remove the current Format requirement to broadcast 45 hours a week of specialist jazz programmes and replace this with a new requirement to broadcast 12 hours a week of specialist music programmes.

Ofcom determined that the request, if approved, would result in a substantial change to the character of the service, and therefore in accordance with the statutory requirements the proposed changes were subject to a public consultation.

There were 15 responses to the consultation. Two respondents offered conditional support for the proposed changes, while 13 respondents were opposed to the Format Change Request. Non-confidential responses may be found, along with the consultation document, at:

<http://stakeholders.ofcom.org.uk/consultations/smooth-radio-london/>

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, or those programmes would continue to be made wholly or partly at premises within an area approved by Ofcom

Following the closure of the consultation, GMG amended its request such that the proposed new requirement to broadcast 12 hours a week of specialist programmes would specify that these programmes must be broadcast during evenings or weekend daytimes. The licensee also amended the description of the music output, such that the Format would require "easy listening music including music influenced by jazz and soul".

With these amendments to the original request, which the Committee considered had addressed many of the responses to the consultation, it was satisfied that the changes would not narrow the range of programmes in the area by way of relevant independent radio services (section 106(1A)(b)) because:

- the 50+ target audience would still be served. While the general 'mood' of the service provided by Smooth Radio London was similar to other stations in the market, the differences in music output would still be sufficient to ensure that

Smooth reached predominantly its target audience while other stations appealed to a younger age demographic

- the changes proposed would not have an impact on the vast majority of listeners to the station. The music aspect of the Character of Service as operated before this Format change request stipulated “an easy listening station”, with the jazz being broadcast overnight when audiences were at their lowest
- the revised Character of Service introduces music influenced by jazz (and soul) into the daytime schedule in a manner that these songs, although likely to be fewer in number than previously, would get wider exposure
- the 12 hours of specialist music programming would be broadcast before midnight on weekdays and during daytime at weekends.

Having determined that the request satisfied one of the statutory criteria set out in section 106(1A) of the Broadcasting Act 1990, the Committee then went on to consider whether the request was consistent with Ofcom's published policy on Format changes, and therefore whether it was willing to approve the request. It decided that the impact of the requested changes on the overall character of the Smooth service would be limited, as the specialist jazz programming which would be lost was broadcast at a time when radio audiences are at their lowest, and that changes in the audio media market since the station was first licensed in 1989, particularly in relation to the increased variety of outlets for specialist music consumption, had lessened the need for regulation to continue to require such output to be provided on an analogue broadcast radio service.