



Smooth Radio
London
Request to change Format

	Consultation
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Section 1

Summary

- 1.1 Ofcom has received a request from GMG Radio to change the Format of Smooth Radio (London). The station is currently an easy listening station targeting a London audience aged over 50 plus. It is currently required to broadcast 45 hours per week of specialist jazz programming. The target demographic would remain the same aged 50-plus with lifestyle oriented speech. News provision would remain unchanged

Current Character of Service

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

Proposed Character of Service

AN EASY LISTENING STATION FEATURING EASY LISTENING MUSIC AND LIFESTYLE ORIENTED SPEECH, TARGETING A LONDON AUDIENCE AGED 50-PLUS, AND BROADCASTING 12 HOURS A WEEK OF SPECIALIST MUSIC PROGRAMMES

- 1.2 Ofcom has published guidelines with regard to criteria that will be considered when stations request a change of Format.
- 1.3 Ofcom must consider the request by Smooth Radio (London) to change its Format against the statutory criteria set out in the legislation below, and the consultation question, at Annex 4, reflects that.

Ofcom has the ability to consent to such changes under conditions included in the (n) licence, in accordance with Sections 106 (1A) of the Broadcasting Act 1990 if it is satisfied that at least one of the following criteria is satisfied:

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

(b) The change would not narrow the range of programmes available in the area by way of relevant independent radio services

(c) The change would be conducive to the maintenance or promotion of fair and effective competition or

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

- 1.4 If a station wants to make changes that will substantially alter the character of its service, Ofcom consults publicly before coming to a decision. In this case the request could, if granted, substantially alter the character of the station's service.
- 1.5 In this case, as the wording of the Character of Service would change, in line with previous Format changes Ofcom regards the change as substantial and so is consulting on the requested change.
- 1.6 In this case the issue centres on the requested change to remove the requirement to play 45 hours per week of specialist jazz programmes to playing 12 hours per week of specialist music programmes in more prominent parts of the programme schedule.
- 1.7 As Ofcom believes that criterion (a) above is not satisfied, the changes can only be approved if one of criteria (b) to (d) is satisfied. In these circumstances Ofcom is required to carry out a public consultation.
- 1.8 In particular, when considering whether criterion (b) is satisfied (*the change would not narrow the range of programmes available in the area by way of relevant independent radio services*), 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 region, which are listed in Annex 7.
- 1.9 Ofcom, therefore, seeks views on the requests, having particular regard to the Broadcasting Act 1990 Section 106 (1A) **(b) (c) and/or (d)**, as set out above.
- 1.10 Annex 5 contains the Format change request, in which an argument is made that the output would still be distinctive within the London market and that criteria (b) is satisfied.

Section 2

Background

- 2.1 Smooth Radio (London) was originally licensed in 1989 by the Radio Authority as an Incremental Radio licence serving the jazz community of interest in Greater London. It was launched in March 1990 as Jazz FM.
- 2.2 Over 40 applicants competed for this London-wide licence. In 2002, following a relaxation of ownership rules the station was acquired by Guardian Media Group's radio division. In 2004, Ofcom agreed to the relaxation of the amount of jazz music programming and allowed non-jazz programming during the daytime, increasing the requirement of 40 hours of jazz per week to 45 hours, but during off-peak periods. GMG accommodated this requirement generally by placing the jazz programming overnights mostly between midnight and 6:00 a.m. In 2005 GMG changed the station's name from Jazz FM to Smooth.
- 2.3 Smooth Radio (London) now proposes to drop the 45 hours per week of jazz music programming from the schedule and replace this with 12 hours per week of specialist music programmes. Smooth Radio proposes to schedule these specialist music programmes in the evenings before 12 midnight and during weekend afternoons.

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 25 June 2010**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/smooth-radio-london/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 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:
- Smooth Radio (London) consultation
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 Jon Heasman on 020 7783 4509.

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 Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

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

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

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: Smooth Radio (London) 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 Smooth Radio (London) be permitted to make its proposed changes to the station, 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

GMG Radio’s request for the change of Format to Smooth Radio (London)



Format Change Request Form OfW 332

Station Name:

Smooth Radio (London)

Name of Person Proposing Format Change:

Jeff Stephenson

Outline Format Change(s) Proposals:

To remove the current requirement for 45 hours of specialist jazz programmes within the character of service.

The current character of service:

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

Proposed change to:

AN EASY LISTENING STATION FEATURING EASY LISTENING MUSIC AND LIFESTYLE ORIENTED SPEECH TARGETING A LONDON AUDIENCE AGED 50-PLUS, AND BROADCASTING 12 HOURS A WEEK OF SPECIALIST MUSIC PROGRAMMES

Operators of analogue local radio licences may apply to Ofcom to have the station’s Format amended. Any application should be made using the layout shown on this form, and should be in accordance with Ofcom’s published procedures for Format changes (available on our website).

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

- (a) *that the departure would not substantially alter the character of the service;*
- (b) *that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided;*
- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition; or*
- (d) *that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure.*

Only one of these four criteria need be satisfied in order for Ofcom to consent to the proposed change. However, even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria, there may be reasons (depending on the particularly circumstances of the case) why Ofcom may not consent to the proposed change.

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

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

Please present your submission in the following manner:

Section 106(a) relevance...

GMG Radio's continued objective for Smooth Radio remains to attract mature listeners to each of the services and to provide audiences with a wide and recognisable variety of easy listening music and lifestyle features. In four out of the six transmission areas this remains constant and consistent including the commitment to broadcast 12 hours a week of specialist music programmes with specific appeal to listeners aged 50 plus. However it remains a concern that this approach can't be applied in the same way to the other two Smooth services, namely London and the North West of England.

The necessity to provide 45 hours of jazz related music within these two station schedules, though no longer an expectation or a requirement for the vast majority of listeners nevertheless has had to stay because of the current format and character of service which we believe is now out of date, unnecessary and adheres more to the previous heritage of the licence rather than current listener requirements.

We would therefore ask Ofcom to re-consider relaxing the current format by allowing the removal of the necessity for providing specific jazz music content on our London service. This relaxation would allow the overall musical character of the station to remain as mainly drawn from Easy Listening, but would be broadened in duration to allow Smooth Radio in London to broadcast its more recognisable station format at

all times of the day and maintain a consistent station sound which has become synonymous with this and other Smooth services elsewhere in the United Kingdom. The only other service to share the stipulated jazz music requirement is Smooth in North West England and a separate format change request is being submitted to Ofcom on the station's behalf.

We do not believe that the current enforced jazz music requirement is now inline with audience expectation nor is there appreciation of this music genre within the overall easy listening format of Smooth Radio. Therefore the removal of the requirement for 45 hours of specialist jazz programming will not substantially alter its current appeal to the audience it predominantly serves. In addition it is a fact that 24-hour Jazz related music can now be easily found on DAB in London, nationally on DTV, online and on other listening platforms via Jazz FM which according to RAJAR now attracts nearly half a million listeners across the UK each week.

Some jazz related music will remain represented in the overall music policy with selected well known tracks designed to appeal to Smooth Radio listeners in London. However the station sound and objective remains committed to attracting new listeners and providing a popular service to mature adult audiences rather than specifically to those attracted by one specific music genre which can now be found in much greater quantity elsewhere via Jazz FM which we believe is now perceived by jazz music fans and radio listeners as the heritage jazz radio service in London.

Current Format requirement means that in order to accommodate specialist jazz programmes on Smooth in London, they are being aired predominantly on overnights between midnight and 6am and our contention remains that specific jazz music listeners will now have migrated towards other specialist music genre services.

However it is not our intention within the revised character of service to place the 12 hours a week of specialist music programmes stated in to overnights but to position this output in much higher audience availability slots on the schedule.

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

GMG Radio does not believe that the proposed change in the revised format will severely narrow the range of programmes available in the London analogue markets and that current and future listeners to Smooth Radio would not expect to find an abundance of if any, jazz music or features on the station.

However, listeners looking for consistency in standard easy listening style music and presentation will and should be able to find it on Smooth Radio and we contend that they would expect this at all times of the day.

We also maintain that a relaxation would not narrow but is more likely to broaden rather than unduly restrict choice by providing the popular Easy Listening commercial radio format now expected of Smooth Radio London across the varying receiving platforms including national DTV for the many listeners who may choose not to listen when the current 45 hours of jazz music genre is aired on the service.

In addition, as indicated in the revised character of service, we also propose to include commitment to broadcast 12 hours a week of specialist music programmes with direct appeal to the target audiences in line with other Smooth Radio services.

These specialist music programmes which may also include commissioned documentaries will be scheduled in to much higher listening profile positions such as early evenings and always before midnight or in appropriate slots over the weekend.

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

The majority of other commercial services in London do not have specific music genre stipulations that so blatantly create an unnecessary divide between regular listener requirements and continuity of sound. This is a barrier which we feel if not corrected may place unfair restrictions on the future development of Smooth Radio in London.

Annex 6

COMMERCIAL RADIO STATION FORMAT

SMOOTH RADIO (London)

Character of Service

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

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

Shared arrangements (if applicable)

Co-location	No Arrangements
Programme sharing	No Arrangements

Definitions

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

MCA population: 6,106,343

Licence number: AL 039-2

Notes

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

Annex 7

Commercial and community radio stations operating in the London area

Commercial Stations

- LBC News 1152 Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al007-2.doc>
- LBC 97.3 Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al008-2.doc>
- Spectrum Radio Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al050-2.doc>
- Magic 105.4 Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al051-2.doc>
- Kiss 100 Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al053-2.doc>
- Gold London Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al056-2.doc>
- Capital Radio Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al067-2.doc>
- Sunrise Radio Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al156-2.doc>
- Kismet Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al160-2.doc>
- Absolute Radio Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al173-1.doc>
- Heart 106.2 FM Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al174-1.doc>
- Buzz Asia Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al175-2.doc>
- Premier Christian Radio Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al176-2.doc>
- XFM Greater London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al196-1.doc>

Commercial Stations cont.

- LTR North London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al172-2.doc>
- London Greek Radio Haringey
<http://www.ofcom.org.uk/static/radiolicensing/formats/al036-3.doc>
- Radio Jackie Kingston-upon-Thames
<http://www.ofcom.org.uk/static/radiolicensing/formats/al191-2.doc>
- Time 107.5 Havering
<http://www.ofcom.org.uk/static/radiolicensing/formats/al216-2.doc>
- Choice FM North London
<http://www.ofcom.org.uk/static/radiolicensing/formats/al255-1.doc>
- Choice FM Brixton
<http://www.ofcom.org.uk/static/radiolicensing/formats/al041-2.doc>

Community Stations

- BANG Radio Stonebridge/Harlesden
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR068.htm>
- Desi Radio Southall
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR061.htm>
- Hayes FM Hayes
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR073.htm>
- NuSound Radio Newham
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR069.htm>
- OnFM Hammersmith
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR074.htm>
- Radio Umma Newham
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR071.htm>
- Resonance FM Central London
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR060.htm>
- Voice of Africa Radio Newham
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR070.htm>
- Westside 89.6 FM Southall
<http://www.ofcom.org.uk/static/radiolicensing/Community/CR072.doc>