

Section 355 Review of Output

Jack 3 Chill (Oxford)

Introduction

When a local commercial radio licence undergoes a change of control (this includes licence transfer), Ofcom is required, under section 355 of the Communications Act 2003 ('the Act'), to undertake a review of the effects or likely effects of the change of control in relation to:

- the quality and range of programmes included in the service;
- the character of the service, and;
- the extent to which Ofcom's duty under section 314 of the Act is performed in relation to the service. Ofcom's duty under section 314 of the Act relates to securing the inclusion of an appropriate amount of local material, and a suitable proportion of locally-made programmes in the service.

Under section 356 of the Act, where it appears to Ofcom from its review that the change of control would be prejudicial to any of the three matters listed above, then it must vary the licence, by including such conditions as it considers appropriate, with a view to ensuring that the relevant change of control is not so prejudicial. In doing so, any new or varied conditions must be such that the licence holder would have satisfied them throughout the three months immediately before the change of control. Ofcom is required to publish a report of its review, setting out its conclusions and any steps it proposes to take under section 356. Where Ofcom proposes to vary the licence, it is required to give the licence holder a reasonable opportunity to make representations about the variation.

In September 2023, the local commercial FM licence for Oxford, broadcasting as 'Jack 3 Chill,' was transferred from Jack Media Oxfordshire Limited to Bauer Media Audio Limited acting as a general partner for Bauer Media Audio LP ('Bauer').

Ofcom has now carried out its review under section 355 in relation to the Oxford licence. In doing so, we have reviewed the output provided under the licence in the three months prior to the change of control taking place, and considered information provided by Bauer with regard to the programming of the service now provided under the licence.

Ofcom's assessment of the station output (prior to the change of control)

The Character of Service of the Oxford licence was:

A RHYTHMIC-LED MUSIC STATION PLAYING CURRENT HITS AND THE BEST HITS FROM THE PAST 20 YEARS WITH LOCAL NEWS, SPORT AND INFORMATION FOR THE 15-29 AUDIENCE IN OXFORDSHIRE.

The request to change to the above Format was made by Jack Media Oxford Limited in September 2022, with the explicit intention of replacing Jack 3 Chill with its younger-leaning Jack 2 service, and was approved by Ofcom following consultation in November 2022. However, at the time of the acquisition of the licence by Bauer in September 2023, Jack Media was yet to implement the change from Jack 3 Chill to Jack 2. The Character of Service for Jack 3 Chill was:

A MUSIC INTENSIVE STATION PLAYING AN ECLECTIC MIX OF EASY HITS FOR THE OVER 50s, WITH LOCAL NEWS, SPORT AND INFORMATION.

All programming on Jack 3 Chill was locally-made at its studios in Oxford. The station therefore greatly exceeded the minimum hours of locally-made programming specified in its Format as revised in November 2022 (three hours on weekdays, and none on weekend days). There were no programme sharing or co-location arrangements in place.

The Format, as revised in November 2022, required local news to be broadcast at least hourly during daytimes, defined by Ofcom as being 6am to 7pm weekdays, and weekend late breakfast. The station was compliant with this requirement by broadcasting hourly bulletins including local news between 6am and 7pm on weekdays, and between 9am and 12pm on weekend days. In addition to the news bulletins at these times, there were also 20-second sport and 20-second weather bulletins following the news.

On weekdays, travel news was provided four times hourly 6am to 10am; twice an hour between 10am and 4pm; and three times per hour between 4pm and 7pm. At the weekends, travel news aired twice an hour between 8am and 1pm.

Specialist or themed programmes broadcast by Jack 3 Chill prior to the change of control included 'JACK Up The 70s', two hours of non-stop 70s music (weekdays, 12-2pm) and JACK Extra Chilled, weeknights between 7pm and midnight.

The new owners' changes

Bauer has rebranded Jack Chill 3 and has integrated it into its 'Hits Radio' network. Following a Format Change Request to Ofcom, which was approved on the basis that the proposals were consistent with Ofcom's published localness guidance, Bauer the station's locally-made programming hours are shared with other 'Hits Radio' stations owned by Bauer in the 'Bauer South of England' approved area.

As previously, bulletins containing local news relevant to the Oxford licence area are broadcast hourly throughout daytime on weekdays, and at weekend breakfast. They are sourced by two Oxford-based journalists. Hourly local weather reports and peak-time traffic bulletins also form part of the station's output.

Specialist or themed programming on Hits Radio include 'Stephanie Hirst's Belters' featuring the best dance music from the 90s and 00s on Saturday night, and the 'The Hits UK Chart' on Sunday afternoons.

Recommended variations to the licence

Based on our assessment of the station's output in the three months prior to the change of control, and the new owner's changes, it does not appear to us that the change of control of the Oxford licence was prejudicial to any of the following three matters:

- the quality and range of programmes included in the service;
- the character of the service; and,
- the extent to which local material and locally-made programmes are included in the service.

In particular, we do not consider that Jack 3 Chill was broadcasting any programming that was not already reflected in the requirements of the station's Format, as revised in November 2022, which would, in our view, have a significant impact upon any of these matters.

Therefore, we are not proposing any variations to the licence under section 356.

February 2024