

Analogue Commercial Radio Licence: Format Change Request Form

Date of request:	7th July 2023
Station Name:	Existing: Channel 103 New: Channel 103 (on 103.7FM) and Soleil Radio (on 107.7FM)
Licensed area and licence number:	Jersey - AL000143
Licensee:	Channel Radio Limited
Contact name:	James Keen

Details of requested change(s) to Format

<p>Character of Service</p> <p>Complete this section if you are requesting a change to this part of your Format</p>	<p>Existing Character of Service:</p> <p>A LOCALLY ORIENTED BROAD MUSIC, NEWS AND INFORMATION STATION FOR JERSEY, AIMED PRIMARILY AT 25-44 YEAR-OLDS</p>
	<p>Proposed new Character of Service:</p> <p>A LOCALLY ORIENTED BROAD MUSIC, NEWS AND INFORMATION STATION FOR JERSEY.</p>
<p>Programme sharing and/or co-location arrangements</p> <p>Complete this section if you are requesting a change to this part of your Format</p>	<p>Current arrangements:</p>
	<p>Proposed new arrangements:</p>
<p>Locally-made hours and/or local news bulletins</p> <p>Complete this section if you are requesting a change to this part of your Format</p>	<p>Current obligations:</p>
	<p>Proposed new obligations:</p>

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.

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 on our website.

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)[#].

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.

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.

We are requesting that the target demographic is removed from our Character of Service to bring it in line with similar commercial radio formats in the UK - for example those for Cornwall, Aylesbury and King's Lynn.

Channel 103 currently operates two FM transmitters – the main frequency on 103.7FM with a relay transmitter covering St Helier on 107.7FM.

At the same time, we are requesting permission to utilise the 107.7FM (St Helier) frequency for Soleil Radio whilst broadcasting the existing Channel 103 service on 103.7FM.

By way of background, Soleil Radio launched as a DAB and online service in August 2021, broadcasting a soft AC/Easy Listening format.

Due to the emergence of similarly-formatted services on DAB we recently reformatted and refocused Soleil Radio as an adult hits service, complementing Channel 103.

Permitting Soleil to be carried on 107.7FM would provide additional choice for for listeners in the St Helier area, still containing Jersey-specific news and information.

We believe that allowing Soleil's 'adult hits' service to be carried on the 107.7FM frequency would be in keeping with Ofcom's review of music in Formats (June 2015).

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 and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy.

Data Protection

We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's General Privacy Statement www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement for further information about how Ofcom handles your personal information and your corresponding rights

Ofcom notes on the request

This request was AGREED, because Ofcom was satisfied in relation to Section 106(1A)(a) of the Broadcasting Act 1990, i.e. that the change would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee is requesting to remove the requirement in its Format to primarily target “25-44 year olds”. It is making this request as it wishes to use its 107.7FM transmitter to broadcast a separate programme service aimed at an older audience, ‘Soleil Radio’, which is currently available on DAB and online. The Licensee argues this will increase the choice for listeners in the area served on 107.7 FM, by providing them with a new ‘adult hits’ service which will also carry Jersey-specific news and information.

We are satisfied that removing the specific reference to 25-44 year olds will not substantially alter the character of the existing Channel 103 service. The core character of Channel 103 has been, and will continue to be, the provision of a broad mainstream music service with local news and information, rather than a service designed for a specific target demographic.

We are also satisfied the provision of the Soleil Radio service on one of the frequencies will not substantially alter the character of the licensed service (when taken as a whole, i.e. including the two separate programme services). This is because we consider an ‘adult hits’ service with local news and information is consistent with the proposed new ‘character of service’ of *“A locally oriented broad music, news and information station for Jersey”*.

We note that Soleil Radio has been an ‘easy listening’ station hitherto, and in accordance with our published policy on music in Formats¹, such a service would not be consistent with a requirement to provide a ‘broad music’ service. This is the case irrespective of the removal of the target demographic from the Format.

As we are satisfied in relation to section 106(1A)(a), whether or not to approve the request is a matter for Ofcom’s discretion.

We have considered the request in relation to our published policy criteria for Format changes, and do not consider they provide any reasons for refusing the request. However, we also recognise that this request, if approved, will potentially result in some listeners losing access to the Channel 103 service on an FM frequency (i.e. those who are only able to obtain reception on 107.7 MHz). Based on our analysis we are satisfied this will impact only a very small number of potential listeners, and we recognise that Channel 103 will continue to be available on DAB across Jersey (and online).

Therefore, we have decided to exercise our discretion to approve this request.

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0025/51667/statement.pdf