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## **Section 355 Review of Output**

Rutland Radio

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## 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.

On 6 February 2019, Ofcom received notification from Lincs FM Group that agreement had been reached on 31 January 2019 to sell the analogue radio licence for Rutland to Bauer Radio Limited ('Bauer'). The acquisition of this and other licences owned by Lincs FM Group Limited was completed on 28 February 2019.

Ofcom has now carried out its review under section 355 in relation to Rutland Radio. 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 future programming of the licence.

## Ofcom's assessment of the output of Rutland Radio (prior to the change of control)

The Character of Service of the Rutland licence is:

A MELODIC MUSIC AND INFORMATION STATION PRIMARILY FOR 25-54 YEAR-OLDS IN THE RUTLAND AND STAMFORD AREA, HIGHLY FOCUSSED ON LOCAL ISSUES.

All weekday programming on Rutland Radio was broadcast from its studios in Oakham, thereby greatly exceeding the station's Format requirement to broadcast at least ten hours of locally-made programming on weekdays (and four hours per day at weekends).

Rutland Radio's Format requires local news to be broadcast at least hourly during peak time, defined by Ofcom as being weekday breakfast and afternoon drivetime, and weekend late breakfast. At other times UK-wide, national and international news must feature.

On weekdays, Rutland Radio provided live local news bulletins daily from 6am through to 7pm, and at weekends from 8am to 1pm. The bulletins included a mix of national and local news, with a heavy bias towards stories relating to Stamford and Rutland. Generally of three minutes duration, the bulletins were produced and read by a team of five journalists based at Lincs FM in Lincoln, who also provided bulletins for some other Lincs FM Group stations.

Local traffic and weather information was broadcast by Rutland Radio throughout the day and nighttime, together with hourly 'what's on' bulletins, plus school closure information and local football scores, when relevant.

During the period concerned, locally-made programming featured a regular supply of guests, including local authors, charities and Rutland's former MP Sir Alan Duncan.

Rutland Radio's music featured a wide range of tracks from the present day back as far as the 1960s. Specialist or themed programming broadcast by the station included dedicated hours of 'classic hits programming' every weekday at 9am and 2pm. There were new music shows in the evenings on Saturdays (new tracks) and Sundays (new albums) plus an 'Unplugged' feature on Sunday afternoons giving airtime to local unsigned acts.

Given the Rutland area is heavily agricultural, the station also shared Lincs FM's weekly speech-based 'Farming Programme' on a Sunday Morning at 7am.

## The new owner's plans



## 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 stated plans, it does not appear to us that the change of control of the Rutland licence would be 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 Rutland Radio was broadcasting any programming that was not already reflected in the requirements of the station's Format 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.

*June 2020*