

Format Change Request Form OfW 332

Station Name:

Aire, City, Hallam, Key, Metro, Rock, Viking,

**Name of Person
Proposing Format
Change:**

Mike Phillips
Head of Regulatory and Public Affairs
Emap Radio

**Outline Format Change(s)
Proposals:**

Standardise the local hours requirements of the above services to allow for the provision of live, networked programmes during weekday non-daytime hours, replacing what is currently automated local output.

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...

The above services have Format requirements for at least 18 hours locally produced and presented programming. Currently, each of these services broadcasts an automated locally produced sequence overnight but a reduction of 2 hours per service per weekday to 16 hours would allow us to replace this with a live programme networked across these stations.

We believe that replacing an automated sequence with live programming during non-daytime hours when audiences are low would not substantially alter the character of the service.

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

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

Notes

* As amended by sections 312 and 313 of the Communications Act 2003

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.

Version 4 – amended March 2007

OFCOM NOTES ON REQUEST :

The number of hours involved here is relatively small, and out of daytime. The stations are large stations, but there is still an obligation for 16 hours of locally made programming on them all. For the listener it will mean live programming at a time that is now delivering local automation. Its replacement is not seen as resulting in a substantial change to the character of service of these stations, and the request is agreed.

April 2007