

Format Change Request Form OfW 332

Station Name:	Bath fm
Name of Person Proposing Format Change:	Steve Bulley Regional Programme controller (South West) The Local Radio Company
Outline Format Change(s) Proposals:	To allow co-location of BATH FM studios at BRUNEL FM Swindon

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...

Our request is for the Presentation studios only to be located at Brunel FM in Swindon.

The BATH fm News and sales teams will be based in smaller premises within BATH. This will allow listeners to make easy contact with the station and to ensure the quality of the news output is maintained.

Co-location will allow us to share the equipment and resources with our recent Swindon Licence, BRUNEL FM. Whilst the broadcast base would change, the BATH FM brand would be maintained and continue to focus on the local BATH area and offer specific broadcast content.

The Brunel Studios are only 36miles from the City of Bath, TLRC invested heavily in the new facilities at Wooton Bassett and we have 3 spare studios currently unused. By using these resources for BATH FM we are maximising efficient use of space and equipment. There would be no alteration to the character of Bath fm or the programming output.

BATH FM would maintain its strong local identity and maintain its locally relevant and produced content as per the commitment in the existing Format. We also intend to utilise the time saving and infrastructure cost saving benefits of collocation to develop the news team which will be based in Bath to ensure relevant content generation.

We believe that for our listeners there will be no change to the service they hear on BATH FM therefore we do not anticipate an adverse reaction to our plans.

Furthermore we will make every endeavour to support the presenters to remain located within the Bath fm TSA. They will also be provided with office space within the TSA to continue to grow links with the local community.

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

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

BATH FM was launched in 1999 as the second local service covering the City, during the past 8 years the radio market has continued to fragment with Digital and Freeview radio listening diversifying audiences and reducing listening share. In the same time there has been no significant increase in radio's advertising market share, to the contrary Radio Centre evidence demonstrates that the whole radio advertising market share is falling and will continue to do so.

Both Bath and Swindon are on the M4 corridor and the population has a high proportion of commuters who are travelling to Bristol and Reading.

TLRC is committed to its local radio stations, but needs to be forward thinking with its recourse to maximise income from small markets and aim to achieve profitability for stations such as BATH FM to insure their long term survival.

There is a precedent set by GWR Bath which already broadcasts from studios in Bristol unlike this proposal their sales and news teams are also based in Bristol.

We have enclosed a confidential financial statement to support this request.

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 THE REQUEST

Ofcom's published criteria taken into account when considering co-location requests centre on : the size of station ; the financial implications; distance between stations; and cultural affinity. It was felt that the history of the station and its financial performance was a very important factor here, and confidential information has been made available to Ofcom in this regard. Bath FM is a relatively small (82k) station, with a centre 30 miles from Swindon, although its MCA edges are obviously much closer. The cultural affinity between the two areas is not strong, but there are clearly links. The continued presence of the news team at Bath is also seen as a significant aspect of the request. The request has been agreed after much consideration. It should, however, be noted that, as an example of agreed co-location, this represents perhaps one of the more 'extreme' requests likely to be entertained. (Co-location requests are, however, considered on a case-by-case basis). The arrangement in no way affects the programming output Format obligations.

It is, therefore, agreed.

August 14 2007.