

Format Change Request Form OfW 332

Station Name:	Century Radio (North East)
Name of Person Proposing Format Change:	John Simons Group Programme Director GMG-Radio
Outline Format Change(s) Proposals:	To allow for split sports programming within the hours of broadcast within the service duration: <i>"Live sports commentary programmes and up to 2 hours of sport related coverage each week out of peaktime."</i>

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...

Century Radio has broadcast football coverage for the past 12 years which has occasionally meant splitting the output, maintaining different programmes in the North and South of the region. This has primarily been due to the station carrying Middlesbrough F.C. commentary, during this period. However, after such a long association, the station has not been able to secure commentary rights this season and to avoid disappointing fans, would like to carry some bespoke M.F.C. programming which is not commentary based.

Should the station manage to secure rights in the future we would envisage returning to the previously scheduled style of output, based on commentary, which the station has carried since 1995.

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.

OFCOM NOTES ON THE REQUEST :

The 'splitting' of signals to utilise sports commentary rights across a region has generally been seen as a sensible move in that it addresses the targeting and alienation issues which arise when club loyalties are considered. These are issues that tend not to arise when looking at general output. It follows that a 12 year-run of Middlesbrough commentary has created an expectation of club coverage at the station. With commentary rights coming to an end (however temporary or permanent) Ofcom felt it reasonable that club-related coverage is also allowed for a limited time on the station (2 hrs), targeted only at the south of the region and outside peaktime. This agreement does not extend to coverage of issues outside that remit (a regional station's raison d'être is generally to give regional coverage of events rather than providing 'split' programmes within the region)

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