

Format Change Request Form OfW 332

Station Name:	(96.2)Touchradio Coventry, (102)Touchradio, Stratford, Touchradio Staffs (Tamworth) 107.1 Rugby FM (107.6)Touchradio Banbury
Name of Person Proposing Format Change:	Don Douglas- Group Programme Director
Outline Format Change(s) Proposals:	<p>Requesting reduction of the minimum number of locally made weekday daytime hours to 4 daily (breakfast) as detailed in section 3.3 of the Ofcom Statement.</p> <p>The stations listed above are geographically close in the Midlands and three are co-located. Their audience profiles, presentation style and music content are similar, and major shopping and recreational facilities are within easy driving distance. Previous approval to share daytime programming between our Midlands stations was given on May 25 2007 www.ofcom.org.uk/radio/ifi/rbl/formats/formats/fc/midcn.pdf</p> <p>Programme sharing with other CN stations, will continue to contain significant local information, including local news, travel, community messages, weather, station identification and jingles, and promotional activity. Technology also enables us to deliver localised presenter links.</p> <p>We note that Ofcom recognises the financial challenges faced by smaller radio stations, and that their viability is enhanced by the ability to share resources. Recent programme sharing between CN stations (Coventry-Rugby) has produced improved Rajar results indicating audience acceptance and benefit, and making both stations more viable. Evening networking has also produced a positive response. In todays radio market, programme sharing is essential for smaller stations to survive.</p>

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...

This request satisfies the requirement of 106a in that this request will not substantially alter the character of the service(s). Format requirements and locally made hours will be adhered to and where possible, improved upon.

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

This request complies with 106(b) in that while some of the stations listed are adjacent, MCA's do not overlap.

Section 106 (c) and (d) N/A

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 THE REQUEST

CN's application to share up to 6 of the 10 daytime hours required under its new-style Formats for FM stations is the first to be received following the consultation statement (The Future of Radio – the Next Phase”).

Its Midlands cluster of stations is a good example of where relevant regional programming should bolster the targeted local output of each station. All stations are under 250,000 MCA.

The technological situation at CN is such that there is flexibility to both 'strengthen' the output by regionalising where appropriate (regional emergencies and the like), or drawing back to localise where appropriate.

The limited sharing allowed thus far has also appeared to have benefited both station and listener, and we are satisfied that this new request for restricted sharing will not damage the local character of any particular station.

The geographical issues involved are also well made by the Group.

It should be noted that Touchradio in Warwick (due on air in April) will not be able to receive regional programming, as no changes can be made to its Format detail for two years, and the requirement is for programming to come from the Warwick station. However, regional programming can emanate from Warwick on occasion as long as the content fulfils the Warwick Format requirement.

Therefore the character of service of each station should remain as it is, leaving no regulatory concern under Section 106 (1A)(a) of the 1990 Broadcasting Act.

The request is allowed.

28/2/08