

**Format Change Request Form OfW 332**

<b>Station Name:</b>	<b>Dream 107.7 FM (Chelmsford/Mid Essex)</b>
<b>Name of Person Proposing Format Change:</b>	<b>David Rees Regional Programme Controller</b>
<b>Outline Format Change(s) Proposals:</b>	<b>To reduce requirements for locally made programming weekdays to 18 hours daily, normally between 06:00 and 19:00, and at weekends to 10 hours per day.</b>  <b>Also to change the requirement of a daily weekday news/news magazine/interview hour centred on local activity. This would be replaced with a daily locally focussed music and speech programme, Monday-Friday.</b>

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, Ofcom is under no obligation to give its consent, even if it is of the opinion that the proposed change satisfies one or more of the statutory criteria.

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, be consulted upon, irrespective of whether it may satisfy any of the other three criteria<sup>#</sup>.

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 proposed change will not substantially alter the character of the service. The radio station currently plays back to back music. During non-split hours the simulcast service will include local content relevant to the Dream 107.7 area. The change for listeners will be that Dream 107.7 can in future relay presented programmes from another site, or retain it's current automated music service. News bulletins will remain local and run peak hours, however regional and national news will run in any simulcast hours.

Dream 107.7 currently runs extended News bulletins including Local, regional and national stories, money & sport at 1pm & 6pm, and we would be happy to continue with this commitment, with the option to keep these bulletins extended up to 10 minutes in duration.

As for the magazine programme, following discussion with Ofcom, this is already broken down into a local speech and music programme daytime between 10am & 12pm. This programme delivers as much local and relevant content than would be achieved through a 1 hour magazine / news hour, but includes music. The programme fits with the character of the radio station, and the format change is more a technicality than a change to the radio station's service.

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

Locally made features / news and other similar requirements will remain unchanged; the only change is within locally produced hours. There will be no narrowing of the range of programmes available, as in the style of the service.

As the service available will only be changed marginally and only in off-peak hours we do not consider there to be any change to the competition environment.

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

Dream 107.7 editorially sits as a part of East Anglia, where we operate other services such as the highly successful Dream 100 in Tendring and the new Town 102 in Ipswich.

It is our intention to share programmes between these 3 sites, however retaining a local East-Anglian focus, by sub-networking in local regions and in off-peak hours potentially joining a larger simulcast service with live presenter, rather than our existing back to back music service.

Apart from adding live off-peak simulcast programming, no further characteristics of the service will change. Local content will still be featured outside of peak hours.

## Notes

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

# Ofcom may approve a change under criterion (a) without consultation only *in extremis*. While Ofcom will always respect the right of stakeholders to apply for a Format change in confidence, it is highly unlikely that commercial confidentiality will in itself be considered adequate grounds to approve a change under (a) without consultation.

Version 3 – amended October 2006

## **OFCOM NOTES ON THE REQUEST**

**Ofcom considers that the reduction in the number of locally-produced hours, from 24 hours to 18 (weekdays) and 10 (weekends), is not unreasonable as it still fulfils a significant obligation with regard to localness. The reduction in local hours will also facilitate live regionalised networking where currently there is an automated music service. Similarly, the obligation to deliver the daily one hour weekday news magazine feature as a two hour music and speech programme, with a specific requirement for local topics and local guests, should ensure a local focus is maintained. It is felt that, overall, the request would not bring about a significant change to Dream 107.7's Character of Service and it is therefore agreed.**