

**Format Change Request Form OfW 332**

<b>Station Name:</b>	Galaxy 102 (Manchester), Galaxy 102.2 (Birmingham), Galaxy 105 (Yorkshire) and Galaxy 105/106 (North East)
<b>Name of Person Proposing Format Change:</b>	Daniel Owen
<b>Outline Format Change(s) Proposals:</b>	A reduction of the requirement for locally-produced programming to peak hours, i.e. to remain local from 0600–1000 and 1600–1900 weekdays, and to significantly increase our minimum hours of specialist programming from 16 hours to 26 hours per week

**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...

We believe that our proposed changes satisfy the criterion of Section 106 (1A) (a) of the Broadcasting Act 1990. We believe that the changes would strengthen the character of the services, making them more distinctive. The changes would further enable the services to achieve a consistent, coherent high-quality mix of urban and rhythmic music during the day and into the evening. Our proposed increase in specialist programming will emphasise the specialist nature of these services, and provide further appeal for our music-driven, youth-based audiences.

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

As above, we believe that our proposed changes satisfy the criterion in Section 106 (1A) (a).

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

Please see letter, attached.

#### 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

The request made by Global Radio with regard to its Galaxy network is almost identical to that made by emap last year with regard to the Kiss network.

Ofcom accepts that these stations are, in the main, stations for communities of interest – bonded by dance music – and, therefore, it is not unreasonable to expect dance music per se to comprise the bulk of programming, with less reference to local touchstones than would be

**expected from more mainstream stations. The extra number of specialist music hours (increasing from 16 to 26) also serves to affirm the nature of the service.**

**In this respect we believe that the Characters of Service would not be substantially changed by allowing the stations to broadcast only seven hours of locally made programming during daytime (at breakfast and drive).**

**The request is granted,**

**However, in granting the request we would make special mention of the Galaxy station based in Birmingham. This station has always – even before it became a Galaxy station – carried a strong remit to reflect the black culture of the area. Notwithstanding the points made within the letter of support from Global we do not agree with the implication that this remit can be carried out solely through the station's music – and, therefore, will be expecting the Galaxy station in Birmingham to be reflecting this part of their coverage in output other than simply dance music during locally made hours.**



13 Bramley Road  
London W10 6SP

Main Tel +44 (0)20 7465 6000  
Main Fax +44 (0)20 7314 1062  
[www.thisisglobal.com](http://www.thisisglobal.com)

Peter Davies  
Director of Radio and Convergent Media  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

14<sup>th</sup> January 2008

Dear Peter,

**Format variation request: Galaxy 102 (Manchester), Galaxy 102.2 (Birmingham), Galaxy 105 (Yorkshire) and Galaxy 105/106 (North East)**

Further to our telephone conversation last week, I am writing to request approval from Ofcom to proposed changes to the Formats of the above services, which we feel will provide a tangible benefit to our listeners, whilst allowing us more flexibility in the way in which those services are operated. Our proposal is for a reduction of the requirement for locally-produced programming to peak hours, i.e. to remain local from 0600–1000 and 1600–1900 weekdays, and to significantly increase our minimum hours of specialist programming from 16 hours to 26 hours per week.

Our Galaxy stations are specialist music services, whose listeners form a 'community of interest', and whose appeal lies in the specific area of music from which their playlist is formed. Two of the above services are regional services, designed to provide a different type of radio service across a large geographical area, compared to their smaller, more local counterpart services. We appreciate the value of the local nature of some radio services, but the appeal of these stations is overwhelmingly in the music they play, rather than their local relevance. This is highlighted in Ofcom's recent report on the Future of Radio, where research conducted by Essential found that younger and more music-driven listeners were less concerned that the presenter should be broadcasting from the local area.

This research also shows the relative importance to listeners of the different types of local content – 'core local' and 'human local' content respectively. At present, the above Galaxy services provide brief news, weather and travel bulletins twice each hour between 0600 and 0900



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Main Tel +44 (0)20 7465 6000  
Main Fax +44 (0)20 7314 1062  
[www.thisisglobal.com](http://www.thisisglobal.com)

weekdays, and once each hour between 1600 and 1700. This 'core' local content, considered most important by listeners, would be unaffected by our proposed changes. In light of this, we do not feel that our proposed changes would significantly alter the character of the services. In addition, we feel that the increase to our specialist programming will further strengthen the service we provide to our listeners. Our proposed changes will enable us to broadcast more of what our listeners love – up-front, cutting edge music, being played up to six months ahead of any commercial release date, often in white label format. Our specialist music programmes are also home to niche genres of music, with special features such as live events, and sets from renowned specialist presenters.

This proposal will leave the essential character of the Galaxy services intact, and we believe that it will also involve no change to the character of Galaxy 102.2, which has a specific remit to cater for young black listeners in Birmingham. Music of black origin, and of appeal to black listeners, has increasingly become the popular taste of the whole of Galaxy's target market, and Galaxy's mix of dance and RnB – in both Birmingham and elsewhere – is clearly of great appeal to young listeners of all ethnic backgrounds. There is evidence for this in RAJAR data in Manchester, Yorkshire and the North East which shows the reach percentage of each station amongst 15-34 black listeners as virtually identical to that for the 15-34 audience as a whole – and substantially greater than the 15-34 black audience to Radio 1 in those regions. To that end, the musical output in Manchester, Yorkshire and the North East has already moved towards the urban feel of Galaxy Birmingham's output and this has been the case for some time.

Given the enormous cross-over in appeal between urban and rhythmic music, the playlists of the Galaxy stations in and out of Birmingham have become increasingly similar over the last few years. Indeed, over the last six months, they have been virtually identical. Taking an average of the Galaxy playlists over the last three months, including current and re-current playlists which make up the vast majority of Galaxy's output, all four stations already have a broadly even mix of rhythmic and other (i.e. urban, soul, RnB) tracks. Again, this is due to the large amount of crossover between these genres and, particularly, the broad appeal of urban (as opposed to rhythmic) music. Therefore, we are entirely comfortable that the music output of Galaxy during networked hours will continue to include the genres currently identified in the 102.2 Format, and will continue to be of obvious appeal to black listeners in Birmingham, and we are confident that our proposal will be fully consistent with the character of all of the Galaxy services.



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These proposed changes do have a small but significant financial benefit to us, as well as the benefits to our listeners. Ofcom is well aware of the difficult trading conditions for commercial radio and Galaxy is particularly vulnerable to advertising down-turns due to its specialised nature and lack of London presence. Even small financial savings are therefore important for us, in order to continue to provide the high-quality Galaxy services to which our listeners are accustomed.

We believe that this request is very much in the spirit of the similar arrangements approved by Ofcom in 2006 for Kiss – a brand with exactly the same remit and target audience as Galaxy. It is also in line with Ofcom’s proposals on the Future of Radio. In the April Future of Radio consultation, Ofcom noted that it approved the daytime networking proposals on Kiss “on the grounds that the raison d’être of these stations is their focus on particular types of music rather than their local programming” and identified Galaxy alongside Kiss as a specialist music service. We believe that the same logic that supported the Format change for Kiss applies equally to Galaxy.

We would be grateful for Ofcom’s approval to this proposal.

Yours sincerely,

Daniel Owen  
Director of Regulatory and Public Affairs