

Format Change Request Form OfW 332

Station Name:	Classic Hits 954/1530
Name of Person Proposing Format Change:	Stuart Linnell, Operations Director, Laser Broadcasting Ltd.
Outline Format Change(s) Proposals:	1: Change of name to Sunshine 954 (for Hereford) & Sunshine 1530 (for Worcester). 2: To allow the facility of split frequency programming at peak times as appropriate.

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...

The character of the station output provided by the proposal will not be substantially altered, other than by enhanced local content to each part of the TSA (Hereford and Worcester respectively).

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

(b): the range of programmes available in the area is not narrowed by the proposed change, but is to essentially widened, as both frequencies are audible to some degree in both parts of the TSA, thus additional listener choice will result. However, the intention is to improve the specific localness of the service to each of the two areas.

(c): there will be no effect on the maintenance or promotion of competition in the area.

(d): there is a clear indication of support for this change, evidenced in two ways:

(1) the marriage of Hereford and Worcester, prompted by local government reorganisation in 1974, was never a happy union and, in 1998, the County of Hereford and Worcester was replaced by two separate local authorities - Herefordshire Council and Worcestershire County Council. The proposed changes mirror the return to separate identities for the two areas.

(2) research (including research conducted to support the successful application for the new Herefordshire and Monmouthshire FM licence), indicates listener confusion regarding the existing AM service; in the area, research currently records listening to Classic FM, Classic Gold and Classic Hits, and there is considerable anecdotal evidence of listeners regarding Classic Hits as the AM service of Radio Wyvern, which is how it began in October 1982. In addition, there is historic frequency confusion with Hereford listeners complaining about a poor signal on 1530 and Worcester listeners equally dissatisfied with the quality of reception from 954. Branding each place with its correct frequency, supporting this with news and information of relevance to each location and backed up by appropriate marketing, will enable a much clearer option to emerge for listeners in both Herefordshire and Worcestershire.

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

The development of the Sunshine brand in this way is the result of Laser Broadcasting's business rationalisation of its radio stations. It is enabling the licences in Ludlow and in Hereford & Worcester to achieve viability, while at the same time maintaining their individual characters and aiding the expansion of local news in both licence areas. Laser Broadcasting has invested in the news, presentation, sales and technical staff in both licence areas and in so doing is pursuing its stated policy of injecting more localness into its stations.

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 NOTE – APRIL 4 - The service, formerly Classic Hits, is extremely well-established in Hereford and Worcester on AM. The request, to allow split programming (initially at breakfast) for the two main bases which comprise this transmission area will provide benefit for existing listeners without a substantial change to the character of the existing service. The request as outlined in this submission is, therefore, agreed.