

Format Change Request Form OfW 332

Station Name:	Kerrang 105.2
Name of Person Proposing Format Change:	Mike Phillips Emap Radio
Outline Format Change(s) Proposals:	Reduce requirement that around half of daytime music tracks must be less than 6 months old to around one-third.

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 reduction of the amount of daytime music tracks from the last 6 months (from around half to a third) will not substantially alter the character of the service. Kerrang! is a specialist rock music service that plays a mix of modern and classic tracks. The requested change will not alter this but will give the station more flexibility to programme tracks according to their merit and appeal to listeners at the time of broadcast rather than by strict chronological release date. Pre-release airplay of new/unreleased material means that listeners to a specialist station like Kerrang! are familiar with tracks well before they are released and by the time they enter the mainstream sales chart they are passé. The increased flexibility afforded by the requested change will allow us to more accurately reflect the tastes of our audience.

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.

Version 4 – amended March 2007

OFCOM NOTES ON THE REQUEST :

A number of factors were taken into account before this request was agreed. The change would bring the station no closer in output to any of the other stations available in the area. Most importantly, it was felt the station, a specialist rock station, would undoubtedly retain its distinctive character of service. It was also felt the argument with regard to pre-chart availability and access was a sound one for such a station. The request is, therefore, allowed.

August 20 2007