

Format Change Request Form OfW 332

Station Name:	CTR, kmfm Canterbury, Thanet, Folkestone, Medway, West Kent
Name of Person Proposing Format Change:	Steve Fountain
Outline Format Change(s) Proposals:	To allow CTR to benefit from the networking opportunities available on kmfm stations. To regionalise kmfm (East) Canterbury, Thanet and Folkestone 1000-1400. To regionalise kmfm (West) West Kent, Medway and Maidstone 1000-1400.

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 #.

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 would like CTR to benefit from the non daytime networking opportunities that already exist on other kmfm stations as detailed in the current operating format. Local content and features would still be a significant part of the output. The existing CTR Sunday programme (0600-0900) would become a part of the kmfm network allowing more in depth interviews and conversation relevant to the Kent region, with an emphasis on music that was of a spiritual or feel good nature.

Also:

We would like to regionalise kmfm stations, except Ashford, into what would become effectively kmfm East (Canterbury, Thanet, Folkestone) and kmfm West (West Kent, Maidstone, Medway) 1000-1400..These changes would not substantially alter or change our service as we would continue to present local news, content and features using the technology available to us alongside content that would be relevant to kmfm listeners in their region. We would continue to make full use of the local kmfm/CTR websites.

Section 106 (b), (c) and (d) relevance... CTR: Local content and features would still be available in line with the rest of the kmfm network using the technology available. The existing CTR Sunday programme (0600-0900) would become a part of the kmfm network allowing more in depth interviews and conversation relevant to the Kent region, with an emphasis on music that was of a spiritual or feel good nature.

Kmfm East/West: Emphasis would continue to be put on local news, content and features using the technology available to us alongside content that would be relevant to kmfm listeners in their region. We would continue to make full use of the local kmfm/CTR websites.

Any additional information and/or evidence in support of proposed change(s).
CTR: Networking will allow CTR to benefit from the strengths of the kmfm network following the Ofcom agreed changes made to kmfm format in 2006. kmfm East/West. The research we presented last year ahead of the subsequent Ofcom agreed changes to kmfm formats lead us to believe that regionalising our stations between 1000 and 1400 into East and West will not adversely effect the needs of the local listener. The technology available to us will mean that substantial amounts of the content will continue to be of a local nature and that any regional content will be relevant to the listener from that part of our region.

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