

**Format Change Request Form OfW 332**

<b>Station Name:</b>	kmfm Group
<b>Name of Person Proposing Format Change:</b>	Steve Fountain Group Programme Controller
<b>Outline Format Change(s) Proposals:</b>	To allow co –location of our West Kent and Maidstone studios to our Medway station and further programme sharing between our stations

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 wish to co-locate kmfm West Kent (MCA 206,277) and Maidstone (MCA 90,329) studios to our existing kmfm Medway studio complex. The West Kent and Maidstone news and sales teams will remain within their TSA's. Co-location will allow us to share the superior facilities available at Medway and save on the considerable location costs. While the base of our programming operation would change it would not have any effect on either of the station outputs, we would continue to have strong locally relevant content on the air.

We wish to reduce our locally made programmes to 4 hours daily (breakfast) and share programming with other kmfm stations. This would take the form of a West Kent network West Kent (MCA 206,277) Maidstone (MCA 90,329) and Medway (MCA 168,629) and an East Kent Network Ashford (MCA 66,810) Canterbury (MCA 65,624), Thanet (MCA 93,169) and Dover/Folkstone (MCA 107,209). We would continue to use content that would maintain a local flavour.

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

During the course of 2009 both West Kent and Maidstone are going to have to re-locate as the lease on both buildings is due to expire. Allowing a co-location to our Medway studios means we would save approx £70,000 a year in leasing costs alone, in the light of significant losses in the last 2 years, £1.5 million, and the fact that we are already £105k behind budget for 2008 these savings are vital for our business.

We believe that our listeners will not lose anything of what they have come to expect from kmfm in Maidstone or West Kent. kmfm remains committed to providing locally relevant content. The towns are close geographically, each station is approx 20 miles from our Medway studio although the MCA of all 3 stations overlap and there is a strong commute between the towns.

Programming sharing on an East and West sub regional basis has been a part of our daytime output on most kmfm stations since March 2007 and up to this point we've had no adverse reaction from listeners. Indeed broadcasting in this way has improved the quality of our programming.

I've already mention losses incurred by kmfm in recent years this next step is part of securing our future. Programme sharing will allow us make further savings.

**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

**In the same way as the case made by Lincs FM for their Oaks co-location, this request highlights the raison d'être of Ofcom's suggestion in its "Future of Radio – The Next Phase" consultation that co-location might be a way to alleviate problems of some of the smaller stations.**

**The co-location proposition and the programme sharing proposition (creating and East and West Kent broadcasts) is a logical progression for these stations, which all lie in Kent. The arguments made are sound in terms of cultural affinity and economic consideration (including the situation with property leases),**

**News and sales teams will remain within their TSAs when co-location is carried out, and this is considered a sensible move. These are TSAs which overlap and have strong commuter links.**

**It is in KMFM's favour that a certain amount of programme sharing has been allowed in the past with no significant adverse reaction, and a slight extension, along with the co-location, should not be detrimental to the character of the stations' services.**

**The request is granted.**

**04/04/08**