

Format Change Request Form OfW 332

Station Name:	Minster Northallerton FM
Name of Person Proposing Format Change:	Brian Lister
Outline Format Change(s) Proposals:	To allow origination of local programming from studios co-located with Alpha 103.2 in Darlington.

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...

Minster Northallerton will maintain its strong local identity and, outside the established hours of local origination, continue to share some programmes with the North Yorkshire service of Minster FM. There would be no alteration to the character of the Minster Northallerton service.

The Alpha studios are in Darlington town centre, only 14 miles from Northallerton, allowing easy and rapid travel between the two centres for our news and programming staff. The towns are directly linked by the A167. There is a great synergy and a shared identity between the towns of Northallerton and Darlington, indeed, as we indicated in our original application for this licence, the most widely read local newspaper in Northallerton is the *Darlington and Stockton Times* published in Darlington.

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

We are not anticipating any reduction in the number of staff committed to the production of the Northallerton FM service. Indeed we expect them to receive additional support from their Alpha colleagues, which it is more difficult to supply under the present arrangements. On weekdays the full-time Minster Northallerton journalist will continue to report daily from Bedale, Thirsk and Northallerton, contributing stories not only for the Northallerton FM bulletins but also to the news desks of Minster and Alpha. A dedicated Comrex GSM outside broadcast unit will be provided to permit live broadcasts from around the Northallerton area.

Far from narrowing the range of programmes provided, we believe this ability to marshal greater resources and staffing when required, often at short notice, will effectively broaden the range of programming supplied by Minster Northallerton.

This proposal simply relates to the location of the originating studio and therefore has no impact on issues of fair and effective media competition.

Similarly, as our listeners will discern no change in the programming they hear on Minster Northallerton, we do not anticipate any adverse reaction to the proposed change in the technical production arrangements.

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

TLRC is committed to its local radio stations, but needs to be forward thinking in its use of resources to achieve profitability in small markets and thereby ensure the long-term survival of stations such as Minster Northallerton, which broadcasts to a MCA of only some 35,000 adults.

Despite a successful launch in June 2007 it is clear that, given the economic environment recognised by Ofcom in the Future of Radio consultation, the future viability of stations of this size may be dependent upon co-location at a suitable nearby facility.

Although sharing some programming with Minster FM, Minster Northallerton will be far more efficiently based at the existing studios of Alpha 103.2, only some 14 miles away from the heart of its target area than at Minster FM, 32 miles away.

In addition to a considerable annual cost saving by sharing overheads with Alpha, and greater management oversight under the proposed arrangement, the contiguity of the Alpha and Northallerton TSAs offers further benefits in the efficiency of editorial and sales coverage across the two areas.

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

Ofcom's published criteria taken into account when considering co-location requests centre on : the size of station ; the financial implications; distance between stations; and cultural affinity.

The size of Minster Northallerton is a significant factor here, and arrangements in place with regard to news coverage and possible live programming strengthen the request.

Although the respective station areas have clear affinity, a station move can be difficult in public relations terms, but the licensee appears to have considered this issue and its sensitivities, and programming itself is not affected by a decision to co-locate

Therefore the character of service should remain as it is, leaving no regulatory concern under Section 106 (1A)(a) of the 1990 Broadcasting Act.

The station itself is less than two years old, which would normally prohibit requests for a Format change, but under policy published as part of "The Future of Radio – The Next Phase" may apply for co-location arrangements.

The request is allowed.

27/2/08