

Format Change Request Form OfW 332

Station Name:	100.4 SMOOTH FM
Name of Person Proposing Format Change:	John Myers
Outline Format Change(s) Proposals:	<p>To allow a specialist “Easy Listening” music programme to be scheduled in off-peak output.</p> <p>Currently the format stipulates:</p> <p>Smooth FM is a music-led service, but supplemented by speech relevant to the target audience. The music will be drawn from the broad jazz, soul, blues, and r’n'b categories.</p> <p>Specialist shows will provide at least 45 hours of recognised jazz genres (such as jazz standards, traditional jazz, modern jazz, and contemporary jazz) each week. Other genres complementing the main music mix, such as new adult contemporary, big band, specialist soul and world/roots music may feature in non daytime shows.</p> <p>Proposed format stipulates:</p> <p>Smooth FM is a music-led service, but supplemented by speech relevant to the target audience. The music will be drawn from the broad jazz, soul, blues, and r’n'b categories.</p> <p>Specialist shows will provide at least 45 hours of recognised jazz genres (such as jazz standards, traditional jazz, modern jazz, and contemporary jazz) each week. A daily 3 hour Easy Listening Music show may be scheduled outside peacktime. Other genres complementing the main music mix, such as new adult contemporary, big band, specialist soul and world/roots music</p>

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...

This change would not substantially alter the character of service of these changes, as it simply allows a complimentary genre to be added to the many other genres within the format detail.

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 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