

Format Change Request Form OfW 332

Station Names:

Kick FM, Win FM, Delta FM, Kestrel FM

**Name of Person
Proposing Format
Change:**

Kevin Stewart
Chief Executive
Tindle Radio Ltd

**Outline Format
Change(s) Proposals:**

- To allow co-location of Kick FM, Win FM, Delta FM and Kestrel FM at Andover FM.
- Our request will allow us to create a new Southern Regional headquarters that will offer resources and facilities to our new Andover licence beyond what would be normally expected in a station with a (15+) TSA of 42,000.
- Whilst the broadcast base would change, each brand would maintain it's respective localised focus and market-specific broadcast content.
- Kick FM would maintain 24 hours a day (at least 18 hours locally made)
- Delta FM would maintain 24 hours a day (all locally made bar occasional syndicated programmes)
- Win FM would maintain 24 hours a day (locally made for at least 18 hours weekdays, 12 hours Saturdays, 12 hours Sundays)
- Kestrel FM would maintain 24 hours a day (at least 18 hours locally made)

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...

There is a great synergy and a shared identity between all the areas served by the stations that we wish to co-locate. Our Tindle Radio Southern Region was, until recently, served by the same opt-out service of ITV Meridian that mirrored these areas.

The areas are contiguous and driving distances between core towns are short:

- Andover to Alton is 26 miles
- Andover to Newbury is 16 miles
- Andover to Basingstoke is 19 miles
- Andover to Winchester is 14 miles

Residents frequently drive between our licence areas. People living in Alton and

Andover travel to Basingstoke for ten-pin bowling or to visit the Warner Multiplex. Andover's cinema has closed and Andover art lovers travel to Winchester's Tower Arts Centre. People also cross these licence areas for education. The intakes for Basingstoke's Colleges include Alton and West Berkshire. Andover's new college is being backed by Winchester's Sparsholt College.

The close area links are well established with liaison between Armed Services traditionally important. Newbury's Greenham Common site has closed but there remains a military presence elsewhere across the area; bases exist in Andover and Ludgershall. The Delta FM area hosts Louisburg Barracks. The Peninsula Barracks and Barton Stacey are in the Win FM area.

Basingstoke and Andover share the experience of rapid social change. Both towns have expanded significantly as designated London overflows, but the surrounding countryside remains free of widespread development. All five licence areas remain predominantly rural, characterised by a low population density in each Authority's area:

- Test Valley (Andover FM) 179/km²
- Basingstoke and Deane (Kestrel FM) 248/km²
- East Hampshire (Delta FM) 216/km²
- Winchester (Win FM) 170/km²
- West Berkshire (Kick FM) 208/km²
- For comparison, Slough has 4410/per km²

The economy of all the areas is similar. The key towns contain headquarters for major companies offering IT, administrative and financial employment such as Vodafone in Newbury and the AA in Basingstoke. The rural areas contain many small businesses. The ONS 2003 Annual Business Inquiry states 73.1% of businesses in Basingstoke and Dean employ fewer than five people. In the Test Valley it's 73%, Winchester 74% and East Hampshire 78%. The UK average is 68.5% and in Southampton it's 63%.

The five licence areas are all recognised as prosperous. Unemployment, in Spring 2005, was 1% of the workforce or below in each licence area against the UK average of 2.6 %. The notion of economic similarity between the Hants licence areas is further supported in the 2001 ONS Data. It categorises Basingstoke and Dean, Test Valley, East Hampshire and Winchester as economic category "A: Prospering Southern England". West Berkshire, home to Kick FM, is similarly buoyant as the twenty-fifth least deprived area of the UK.

Despite the relative proximity of London, significant cross-commuting strengthens synergies between these licence areas. When commuting out of their home district, the second most popular destination for the 23,700 Test Valley (Andover) commuters (from a workforce of 52,000) is Winchester (Win FM). Basingstoke and Dean (Kestrel) has 27,300 commuters out of a total workforce of 79,500. Their principal destination is West Berkshire (Kick FM). For in-bound commuters, Basingstoke (Kestrel) is the second most popular destination of the Test Valley (Andover FM) with West Berkshire (Kick FM) and Winchester (Win FM) fourth and fifth respectively. (Source: 2001 Census).

Administratively, all services, with the exception of Kick FM, are located within the County of Hampshire, so four stations' listeners share the same county, education, Fire, Police and Primary Care Trust Authorities. Newbury's location in the rural West Berkshire district offers more affinity with the areas served by our Hampshire services than urban Reading or Slough.

In 2003, the Office for National Statistics assessed data on 42 variables in comparing the similarities between all 432 UK authorities where areas were matched with

others. Basingstoke and Deane (Kestrel FM) was viewed to be most similar to West Berkshire (Kick FM). The Test Valley (Andover FM) was second most similar to East Hampshire (Delta FM).

There is similarity with the ethnicity of all of our areas in that they are currently predominantly white (Source: 2001 Census):

- Test Valley - 97.9% White
- Basingstoke - 96.6% White
- East Hampshire - 98.3% White
- Winchester - 97.8% White
- West Berkshire - 97.4% White

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

Each of the five licences (including Andover FM which is yet to be launched) would maintain their strong local identities and maintain their amount of locally relevant and produced content as per the commitment in the existing Formats. We also intend to utilise the time saving and infrastructure cost saving benefits of co-location to develop a new element of locally relevant content generation. We intend to employ content producers in the field in each of our TSAs to ensure that local issues, concerns and achievements are even better reflected than they are now.

We have not specifically consulted our audience over these proposed changes but, because of significant similarities between each of the areas and because these changes would allow us to create a new 24 hour local news service separately for all five stations, something currently unavailable in these markets, we do not anticipate an adverse reaction to our plans.

Apart from our physical location change and a higher degree of location based in-market content, our programming philosophy and music format remains the same therefore we don't believe our proposed change is anti-competitive.

This request would not substantially alter the output of any of our services and would make each station more relevant as we intend to base local content reporters in each market. This is a new role that we can only resource through the overall savings we would make by reducing infrastructure costs.

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

Tindle Radio is committed to enhancing and improving the quality and relevance of our output to overcome the stagnation and, in some quarters, decline experienced by some radio operators. Tindle Radio believes that relatable and engaging content delivers an audience in small markets. That is why we are proud to have always maintained a high degree of local news and relevant local speech on our stations at times when some industry players viewed it as unfashionable.

Tindle Radio's sizeable investment in the news and programming operation in Ipswich through state-of-the-art and shared facilities and a significant staffing resource has given our team in Suffolk and Essex the flexibility they need to react to local issues and events when the audience really needs us.

Since the launch of Town 102 and our news centre we have extensively covered three national level news events; the Ipswich nightclub murders, the Ipswich

prostitute murders and the outbreak of bird flu in Holton near Halesworth. We would not have been able to deal with these issues with detailed, rolling coverage and gain the attention and commendation of Tessa Jowell, who publicly praised our unique response to the Ipswich prostitute murders, without our news staff and resource sharing work practices. We believe that a small, traditional standalone service simply would not have been able to cope and serve its audience in the way that we did.

In October 2006 we purchased Win FM in Winchester to complement the stations in our Southern Region (Kestrel FM, Kick FM and Delta FM) and we were awarded the new licence for Andover in July. We wish to invest in a new Southern Region headquarters because we believe by pooling staff in one location we will create a busier, more energised working environment with the capacity to react to urgent elements in any of these markets. This would also enable our Southern Region stations to provide 24 hour local news coverage, similar to the way we operate our Ipswich news centre. There is no broadcaster currently offering this level of local news provision in any of these five areas.

We would also be able to offer enhanced skills development and training with new facilities for its delivery, similar to the resource we have created at Ipswich. We are committed to maintaining separate programming for each of these services as localness is our USP and critical to our success. We will recruit and train in-location content producers and these staff will be permanently based in each market, attending news and community events. They will deliver audio and copy content to the programme centre for inclusion in programming local to each market.

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.

OFCOM NOTES ON THE REQUEST

Ofcom felt the request was in line with criteria outlined within its Radio Review, with particular regard to the size of station (all are under 100k MCAs), cultural affinity of the areas involved, operational processes, financial implications, the geographical position of the MCAs and the consequent 'fit' of the co-location arrangement. The arrangement in no way affects the programming output Format obligations.

It is, therefore, agreed.

March 30 2007.