

**Format Change Request Form OfW 332**

**Station Name:**

104.9 Imagine FM, 107.4 Tower FM, 102.4 Wish FM, Radio Wave 96.5 and 107.2 Wire FM

**Name of Person Proposing Format Change:**

John Dash  
ILR Group Programme Director  
UTV Radio (GB)

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

I would like to add the following to the detail section of the format for each of the above stations.

*"Network programming, live other than for exceptional circumstances, for a northern network of UTV stations, broadcast from one of those stations, is allowed out of daytime for 11 hours weekdays, 12 Saturdays and 16 Sundays".*

**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...**

The reduction in local programming would allow the stations to share programming with other northern UTV Radio stations during off-peak times.

The vast majority of listening is done during peak hours, in addition the majority of off-peak programming is pre-recorded with very little local content - so there would be little or no impact on the character of the service.

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

The shared programmes that would be introduced would not be available on any other relevant independent radio services to persons living in the area or locality for which the service is licensed to be provided. As a result there would be no narrowing of the range of programmes available.

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

Evening programming on these stations is rarely live and has very little local content. It is increasingly difficult for us to recruit and retain engaging presenters for what is mainly music-themed programming.

By introducing shared programming, we'd raise the standard, the listening enjoyment and we'd be taking the programming live. This would also focus our programmers on peak-time output where "localness" is the driving force of our stations, since many of these programmers also have their own on-air shifts during peak-time.

#### 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.