

Format Change Request Form OfW 332

Station Name:

Vale FM

**Name of Person
Proposing Format
Change:**

Chris Carnegie

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

We request the flexibility to regionalise six of our ten daytime local hours by sharing output as appropriate with Ivel FM

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...

The character of the output will not be substantially altered. Further, this licence already contains a similar provision allowing a regional share with a more distant station (in Dorchester); we propose that provision should be deleted, thus ensuring programme origination becomes more local.

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

The proposed departure will add to the economic resilience of the licence, thus ensuring it can continue to provide effective competition on the radio dial.

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

Although the change of 'partner station' may seem counter-intuitive given that Ivel and Vale lie in different counties, the proposed new partnership does in fact better reflect the reality of life on the Dorset-Somerset border. Vale FM already serves Wincanton, while the Dorset border actually lies within the urbanisation of Yeovil town. On the Shaftesbury ring-road you will search in vain for an exit signposted 'Dorchester', but every roundabout points the way to Yeovil. The train journey time from Gillingham (for Shaftesbury) to Yeovil is 20 minutes; to Dorchester it's 2 hours 47 minutes!

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 REQUEST

This request is for regionalised programme-sharing outside breakfast between two stations where there is clear cultural affinity.

The distance between stations is such that the relevance of regionalised programming is a sensible move for both, and represents a way of allowing smaller stations to operate more effectively without adverse effects for listeners. It was this type of situation that was front of mind when the Format obligations were changed following the Future of Radio consultation.

The request does not affect station location, and the stations will remain within their respective licensed areas.

The request is granted.

07/07/08