

Analogue Commercial Radio Licence: Format Change Request Form

Date of request:	8 June 2022
Station Name:	Wave 105
Licensed area and licence number:	Solent area AL215
Licensee:	Bauer Radio Limited
Contact name:	Peter Davies

Details of requested change(s) to Format

Character of Service <i>Complete this section if you are requesting a change to this part of your Format</i>	Existing Character of Service: A locally-oriented music and information station for over 30s in the Solent and adjacent area, playing a spread of adult contemporary and soft adult contemporary hits and treating speech as an important ingredient
	Proposed new Character of Service: A locally-oriented music and information station for over 30s in the Solent and adjacent area, playing a spread of mainstream hits and treating speech as an important ingredient
Programme sharing and/or co-location arrangements <i>Complete this section if you are requesting a change to this part of your Format</i>	Current arrangements: No arrangements
	Proposed new arrangements: Studio location: Locally-made programming must be produced within the approved area of the South of England (Bauer). Programme sharing: All programmes may be shared with other stations in the South of England (Bauer) approved area, subject to satisfying the character of service requirements above.
Locally-made hours and/or local news bulletins <i>Complete this section if you are requesting a change to this part of your Format</i>	Current obligations: Locally-made hours: At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays. Local news: At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature

	<p>Proposed new obligations: Locally-made hours: At least 3 hours a day during daytime weekdays. Local news must be broadcast at least hourly during daytime weekdays and peak-time weekend.</p>
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The holder of an analogue local commercial radio licence 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.¹

Under section 106(1A) of the Broadcasting Act 1990 (as amended), Ofcom may consent to a change of a Format only if it is satisfied that *at least* one of the following five statutory 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*
- (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; or*
- (e) *that (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).*

Only one of these five 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 particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to which Ofcom will have regard when exercising this discretion can be found on our website.²

Applicants should note that, under section 106ZA of the same Act (as amended), a proposed change that *does not* satisfy the first or last of these criteria (i.e. a change that Ofcom considers *would* or *could* substantially alter the character of the service, or does not relate to the origin of locally-made programmes) must, if it is to be considered further under any of the other three criteria, be consulted upon.

¹ Available at https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

² At https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

In the event that Ofcom receives a request for Format change and considers that criterion (a) or (e) 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 set out the statutory criterion, or criteria, set out in section 106(1A) of the Broadcasting Act 1990 that you believe is/are satisfied in relation to this Format change request, and the reasons for this.

- a. The proposed change would not substantially alter the character of service. The change to local hours and programme sharing are in line with Ofcom's localness guidelines.
- e. Programmes included in the licensed service will cease to be made at premises in the area or locality for which the service is provided, but those programmes will continue to be made wholly or partly at premises within the approved area.

Please provide any additional information and/or evidence in support of the proposed change(s) below. In particular, the applicant may wish to outline how they see that the proposed change fits within Ofcom's published Format change request policy³ and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy.⁴

Wave 105 currently operates two FM transmitters – the main station on 105.2 and a relay transmitter covering Bournemouth and Poole on 105.8. The vast majority of the population who can receive the station on 105.8 can also hear it on 105.2 and the station is also available across the whole area on DAB.

Our intention is to continue to broadcast the Wave 105 service on 105.2 with no changes, but to use the 105.8 frequency for Greatest Hits Radio (Dorset), providing a choice for listeners in the area and a bespoke news and information service for listeners in Dorset. This service will also be carried on DAB on the Bournemouth multiplex alongside Wave 105.

We believe the revised wording of the format covers both Wave 105 and Greatest Hits Radio (Dorset).

Notes

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.

Data Protection

We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's General Privacy Statement www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement for further information about how Ofcom handles your personal information and your corresponding rights

³ Available at https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

⁴ Available at <http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>

Ofcom notes on the request

Statutory requirements

This request relates to the FM licence for the Solent region held by Bauer Radio Limited ('Bauer'), currently broadcasting as 'Wave 105'.

Every FM local commercial radio station is required to broadcast a service which complies with a defined 'character of service', and also a certain amount of locally-made programming and local news. These requirements are specified in its Format. Locally-made programmes are those made within a station's licensed area or, where Ofcom has approved a wider area relating to that station, that 'approved area'.

Bauer has requested the following changes to the Format of this licence:

- To change the 'character of service' description from: *"A locally-oriented music and information station for over 30s in the Solent and adjacent area, playing a spread of adult contemporary and soft adult contemporary hits and treating speech as an important ingredient"* to: *"A locally-oriented music and information station for over 30s in the Solent and adjacent area, playing a spread of mainstream hits and treating speech as an important ingredient."*
- To produce locally-made programming anywhere within the approved area of the South of England (Bauer).
- To share all local programming hours with other stations in the South of England (Bauer) approved area.
- To reduce the required number of locally-made programming hours on weekday daytimes from 10 to three, and from four to none on weekend days.
- To increase the amount of local news broadcast from at least hourly at peak-times on weekdays and Saturdays, to at least hourly during daytime weekdays and peak-time weekends.

These proposed changes would change the character of service as set out in the Format of the licence, and accordingly can be agreed only if Ofcom is satisfied in regard to one of the statutory criteria set out in section 106(1A) of the Broadcasting Act 1990 (as set out in the request, above).

If we are satisfied in relation to one of the statutory criteria, we are then able to decide whether or not to approve the request, taking account of our published policy criteria.

Assessment

Proposed change to 'character of service'

Under the policy set out in Ofcom's 2015 [Review of music in radio Formats](#), we do not consider the proposed change to the music format description (from *"a spread of adult contemporary and soft adult contemporary hits"* to *"a spread of a spread of mainstream hits"*) to be a change to the character of service, and thus it can be approved without the need for the request to be considered in accordance with the statutory Format change process. We note that the other elements of the 'character of service', relating to the target demographic and the importance of speech on the station, remain unchanged.

Bauer's stated plan is to operate two different programme services on different transmitters under the same licence and Format (the 105.8 FM Poole transmitter would carry Greatest Hits Radio, with the main 105.2 FM frequency continuing to carry Wave 105). In considering this request, we are satisfied that the output of both services would be likely to be (and will need to be) consistent with the revised 'character of service.'

Proposed changes to locally-made programming requirements

In considering the proposed changes to the volume of locally-made programming and local news requirements, and the request to share all locally-made programming with other local commercial radio services owned by Bauer Radio in the same approved area, we were satisfied in relation to section 106(1A)(a) of the Broadcasting Act 1990 – that the changes would not substantially alter the character of service. This is because the proposals are consistent with our published [localness guidelines](#).

With regard to the request to broadcast locally-made programming from anywhere within the South of England (Bauer) approved area, Ofcom was satisfied in relation to section 106(1A)(e) of the Broadcasting Act 1990, on the basis that the change requested, if approved, would result in programmes included in the licensed service being made at premises within the South of England (Bauer) approved area.

In addition, as a matter of general policy, Ofcom is content to approve Format change requests relating to localness obligations which are consistent with our published localness guidelines, and because we are satisfied that the licensee will continue to meet its licence obligations to deliver the 'Character of Service' specified in the licence and provide local material relevant to the listeners in its licence area.

Decision

Ofcom decided to approve this Format change request from Bauer Radio Limited because we were satisfied in relation to two of the relevant statutory criteria, and for the policy reasons outlined above. The change to the music format description was agreed under the policy set out in Ofcom's 2015 'Review of music in radio Formats'.

August 2022