



Radio City 2 and City Talk

Requests to change Formats

Consultation

Publication date: 21 July 2015

Closing date for responses: 2 September 2015

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Section 1

About this document

- 1.1 Ofcom has received two Format change requests from Radio City (Sound of Merseyside) Ltd, which holds an AM and two FM commercial radio licences for Liverpool.
- 1.2 A station's Format describes the type of programme service which it is required to provide, and forms part of the station's licence.
- 1.3 Radio City (Sound of Merseyside) Ltd wishes to change the 'Character of Service' of its AM licence (currently Radio City 2) and one of its FM licences (currently City Talk).
- 1.4 Radio City 2's published Format requires the service to broadcast "a classic soft pop music-led service". The licensee wishes to change this to a service of "rock hits with news, local sport and information programming."
- 1.5 City Talk's published Format requires the service to broadcast "speech and soft pop-led music programming". The licensee proposes to replace this with "a classic soft pop music-led service".
- 1.6 Both requests also propose changes to the arrangements for programme sharing, locally-made hours and local news which relate to each station.
- 1.7 If the requests are agreed, the end result will be the revised Radio City 2 service broadcast on FM and the revised City Talk service (to be called Radio City Talk) broadcast on AM.
- 1.8 A request for a Format change can be approved only if it satisfies at least one of the five criteria set out in section 106(1A) of the Broadcasting Act 1990 (as amended). The criteria are set out in full in Section 2 of this document.
- 1.9 Because we consider that each request, if approved, would result in a substantial change to the character of the service, we are required to consult on the requests.
- 1.10 We are therefore seeking views on the requests, having particular regard to the relevant Format change criteria set out in the Broadcasting Act 1990.

Section 2

Details and background information

- 2.1 Ofcom has received two Format change requests from Radio City (Sound of Merseyside) Ltd, which holds an AM and two FM commercial radio licences for the Liverpool area, with regard to its services Radio City 2 and City Talk. The ultimate parent company of Sound of Merseyside Ltd is Bauer Radio Ltd.
- 2.2 Radio City 2 is a station for Liverpool and the surrounding area which was originally contracted to broadcast in October 1974. The service currently broadcasts on 1548 kHz (AM) and serves a potential adult population of 1,690,270 in its Measured Coverage Area.
- 2.3 City Talk is a station for Liverpool and the surrounding area which was first licensed to broadcast in November 2008. The service currently broadcasts on 105.9 MHz (FM) and serves a potential adult population of 1,375,724 in its Measured Coverage Area.

Format change request – AM licence (currently Radio City 2)

- 2.4 The existing Character of Service (as set out in Radio City 2’s published Format) is:

A CLASSIC SOFT POP MUSIC-LED SERVICE AIMED PRIMARILY AT THE OVER-30s IN THE MERSEYSIDE AREA

The new Character of Service proposed by the licensee is as follows:

A SERVICE OF ROCK HITS WITH NEWS, LOCAL SPORT AND INFORMATION PROGRAMMING FOR THE LIVERPOOL AREA, AIMED PRIMARILY AT MALES, PARTICULARLY THOSE AGED BETWEEN 35 AND 49

- 2.5 Other changes to the Format are summarised below:

| | Current arrangements | Proposed arrangements |
|--------------------------------------|--|--|
| Programme sharing/co-location | 10 hours produced in England may be shared with the Place 2 network in England | No arrangements |
| Locally-made hours | 10 hours daytime weekdays produced in England | 10 hours (including breakfast) weekdays, 4 hours Saturdays and Sundays |
| Local news | No requirement for local news | Hourly during weekday daytimes and peak-time weekends |

Format change request – FM licence (currently City Talk)

- 2.6 The existing Character of Service (as set out in City Talk’s published Format) is:

A SERVICE OF SPEECH AND SOFT POP-LED MUSIC PROGRAMMING FOCUSED ON THE INTERESTS OF THE PEOPLE OF LIVERPOOL AND SURROUNDING AREAS.

THE SERVICE WILL BE 100% SPEECH DURING PEAK TIMES, FOCUSING ON NEWS, INFORMATION, FEATURES AND DISCUSSION.

DURING THE REST OF WEEKDAY DAYTIME, THERE WILL BE A MIX OF SPEECH FEATURES AND PHONE INS AND SOFT POP-LED MUSIC. DURING WEEKDAY DAYTIME, SPEECH CONTENT WILL GENERALLY NOT FALL BELOW 50%.

THERE WILL BE A LATE NIGHT PHONE IN SHOW FIVE NIGHTS A WEEK, AND A LONG-FORM SATURDAY SPORT PROGRAMME WHICH WILL CARRY DEDICATED LIVE MATCH COMMENTARY (i.e. SEPARATE FROM RADIO CITY) WHEN APPROPRIATE. LATE NIGHT PROGRAMMES AND THE SATURDAY AFTERNOON SPORT PROGRAMME MAY BE SHARED WITH RADIO CITY.

The new Character of Service proposed by the licensee is as follows:

A CLASSIC SOFT POP MUSIC-LED SERVICE AIMED PRIMARILY AT THE OVER-30s IN THE LIVERPOOL AND SURROUNDING AREA

2.7 Other changes to the Format are summarised below:

| | Current arrangements | Proposed arrangements |
|--------------------------------------|--|---|
| Programme sharing/co-location | No arrangements | No arrangements |
| Locally-made hours | 10 hours daytime weekdays (including breakfast). 4 hours Saturday and Sunday | 7 hours daytime weekdays including breakfast. 4 hours daytime Saturdays and Sundays |
| Local news | Hourly peak-time weekdays and weekends | Hourly weekday daytime and peak-time weekends |

Statutory framework and considerations

2.8 Under section 106(1A) of the Broadcasting Act 1990 (as amended), Ofcom is required to hold a public consultation on a proposed Format change unless it considers that either criterion (a) or (e), as set out below, is satisfied. This means that unless the request relates to a change to a station's location within an 'approved area' (e.g. a request for co-location with another station within that area), Ofcom must first decide whether a proposed change would substantially alter the character of the service. The five statutory criteria are:

(a) that the departure would not substantially alter the character of 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)).

- 2.9 Even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria above, 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 at: <http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>
- 2.10 Given that the changes proposed by Radio City (Sound of Merseyside) Ltd affect each station's character of service, we do not consider that either request meets criterion (a) – that the departure would not substantially alter the character of service. We note also that changes are proposed in both cases to the arrangements relating to locally-made programmes, locally made hours and local news provision. Therefore, in accordance with section 106ZA of the Broadcasting Act 1990, we are consulting on the request.
- 2.11 When considering whether criterion (b) is satisfied (the change would not narrow the range of programmes available in the area by way of relevant independent radio services), neither local DAB services nor BBC services 'count' as relevant independent radio services. The relevant independent radio services are those local analogue commercial and community stations which operate in the region, which are listed in Annex 7.
- 2.12 Given that these two Format change requests are closely linked to each other, in that the overall effect of the changes would be a swap of the frequencies occupied by both Radio City 2 and (Radio) City Talk as well as amendments to both Formats, Ofcom will consider the two requests as a package, and thus the overall effect of the two changes on the Liverpool radio market, rather than separately and independently. We ask that respondents to this consultation adopt the same approach.
- 2.13 Annex 5 contains the two Format change requests submitted by Radio City (Sound of Merseyside) Ltd in respect of Radio City 2 and City Talk. Annex 6 contains the existing Formats for both radio services.
- 2.14 We are seeking views on the requests, having particular regard to the Format change criteria set out in Section 106(1A) (b) to (d) of the Broadcasting Act 1990 (as amended).

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Wednesday 2 September 2015**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at: <http://stakeholders.ofcom.org.uk/consultations/Radio-City-2-and-City-Talk/>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses – particularly those with supporting charts, tables or other data – please email: paul.boon@ofcom.org.uk, attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted to the address below:
- Radio City 2/City Talk consultation
Ofcom Content Policy Team
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the question asked in this document, at Annex 4. It would also help if you can explain why you hold your views and how the proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact: Paul Boon, Senior Radio Executive, 020 7981 3616.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish

all responses, including those that are marked as confidential, in order to meet legal obligations.

- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is as easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HQ

Tel: 020 7981 3601

Email graham.howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the ‘Consultations’ section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don’t have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Radio City 2 and City Talk consultation

To: Ofcom, Content Policy Team

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

| | | | |
|----------------------|--------------------------|---|--------------------------|
| Nothing | <input type="checkbox"/> | Name/contact details/job title | <input type="checkbox"/> |
| Whole response | <input type="checkbox"/> | Organisation | <input type="checkbox"/> |
| Part of the response | <input type="checkbox"/> | If there is no separate annex, which parts? | <input type="checkbox"/> |

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Consultation questions

Q1. Should the licensee (Sound of Merseyside Ltd) be permitted to make its proposed changes to the Format of Radio City 2, with particular regard to the statutory criteria set out in Section 2 of this consultation document? (Section 106 (1A) of the 1990 Broadcasting Act, as amended, relating to Format changes).

Q2. Should the licensee (Sound of Merseyside Ltd) be permitted to make its proposed changes to the Format of City Talk, with particular regard to the statutory criteria set out in Section 2 of this consultation document? (Section 106 (1A) of the 1990 Broadcasting Act, as amended, relating to Format changes).

Annex 5

Analogue Commercial Radio Licence: Format Change Request Form Radio City 2

| | |
|--|---|
| Date of request: | 26-06-2015 |
| Station Name: | Radio City 2 (proposed new service – Radio City Talk) |
| Licensed area and licence number: | Merseyside AL000096BA/3 |
| Licensee: | Radio City (Sound of Merseyside) Ltd |
| Contact name: | Graham Bryce |

Details of requested change(s) to Format

| | |
|--|--|
| <p>Character of Service</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Existing Character of Service: A CLASSIC SOFT POP MUSIC-LED SERVICE AIMED PRIMARILY AT THE OVER-30s IN THE LIVERPOOL AND SURROUNDING AREA</p> |
| | <p>Proposed new Character of Service: A SERVICE OF ROCK HITS WITH NEWS, LOCAL SPORT AND INFORMATION PROGRAMMING FOR THE LIVERPOOL AREA, AIMED PRIMARILY AT MALES, PARTICULARLY THOSE AGED BETWEEN 35 AND 49</p> |
| <p>Programme sharing and/or co-location arrangements</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Current arrangements: All of the 10 hours of programmes produced in England may be shared with other AM stations in the 'Place 2' network in England.</p> |
| | <p>Proposed new arrangements: No arrangements</p> |
| <p>Locally-made hours and/or local news bulletins</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Current obligations: <u>Locally-made hours</u> At least 10 hours a day during daytime weekdays must be produced in England.</p> |
| | <p><u>Local News Bulletins</u> No requirement for local news, but UK-wide, national and international news should feature.</p> |

| | |
|--|--|
| | <p>Proposed new obligations:</p> <p><u>Locally –made hours</u> At least 10 hours a day (including breakfast) during weekdays. At Least 4 hours on Saturdays and Sundays</p> <p><u>Local News Bulletins</u> Broadcast hourly during weekday daytimes and at peak-time at the weekend. Outside these times, UK-wide, national and international news should feature.</p> |
|--|--|

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 (available on our website at <http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>)

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 at:

<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>)

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. #.

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:

Section 106(b) relevance....

The available services within the Liverpool and surrounding area include Dune FM, Juice FM, Wire FM, Heart North West, Smooth Radio North West, Capital FM, Radio City, Radio City 2 and City Talk. This proposal seeks to replace Radio City 2 (this licence - number AL000096BA/3) with a new version of City Talk. A separate proposal has been submitted for a format change to licence AL0000321BA/1 (currently known as City Talk). When taken together the range of programmes on offer will not be reduced. The range of local programmes will in fact increase by 7 hours a day as a result of the combined proposals.

Section 106(c) relevance....

Making this change, particularly when taking into account the separate proposal referred to above, will ensure continuation of the current competitive dynamic.

Section 106(d) relevance....

When designing the new format for Radio City Talk, Bauer Radio wanted to achieve three things: 1) Identify a format that would fill a gap in the market, 2) Identify a format that has the most potential with our target group of males aged between 35 and 49 and 3) Include popular elements of the existing City Talk format.

In order to gauge support for our proposals and shape our thinking Bauer Radio conducted a survey of 850 adults aged 15+. The survey fieldwork was conducted between April 17th and April 28th 2015 by Tpoll with analysis and interpretation provided by Deliberate Ltd. A full copy of the survey including all tables and the questionnaire has been provided separately.

There is very strong support for the proposed service from those living in the area. We already know Radio City Talk in its current form reaches 66,000 people a week according to RAJAR (Q1 2015). Our survey demonstrates that there is widespread support for all the key elements of the re-designed Radio City Talk. The proposed music format, the mix of music and speech and local sports coverage are all in demand with all adults and those in the target group (males aged 35-49).

Support for proposed format

In order to design a local service that would achieve our goals, we tested three music formats: Rock Hits, Soft Rock and Pop Hits, all of which also offered a mix of local news and sport. These three music formats are all known to appeal to men and in particular those in the target group. Of the three, Rock Hits is the

format that has the strongest likelihood of listening with 75% of adults stating they would be very likely or quite likely to listen. In the target group of males aged 35 to 49, this figure rises to 81% with 36% stating they are very likely to listen. The Soft Rock format came a close second. Our survey also found that the highest proportion of any stations' listeners that would consider listening to the Rock Hits format, would come from existing City Talk listeners.

We were also keen to discover if respondents felt each format was currently available in the area. Almost half (47%) of all adults and 40% of males aged 35 to 49 do not think the Rock Hits format is currently available in the area. Of those that did Radio City, BBC Merseyside and Heart were the most popular choices. The research clearly demonstrates demand for the format and also that there is a gap in the market for such a format. In short, choice would be broadened by the introduction of a station providing a mix of local news, sport and rock hits.

Bauer Radio were also keen to understand the demand for listening on each of the platforms where the service will be available. 62% of all adults are either very likely or quite likely to listen on AM, this was just ahead of DAB at 59%. In the target group 70% said they would be very likely or quite likely to listen on DAB. Listening on AM came in second place at 58%. Streaming via a mobile or laptop were also popular choices, particularly with the target group.

Support for the proposed mix of music and speech

When designing a station to fill a market need, it is important to establish the optimum mix of music and speech for all adults and those in the target group. Respondents to our survey were given four choices, mostly music, more music than speech, more speech than music and mostly speech. The most popular choice amongst all adults and those in the target group, was more music than speech. 43% of all adults and 44% of those in the target group selected this option at breakfast time, the second most preferred option was for mostly music with both groups. In afternoon drivetime more music than speech was also the most popular choice for 44% of all adults and 46% of those in the target group. The percentages were only slightly lower for all other times. The second most popular choice was for mostly music in every case. When taken together 81% of all adults and 81% of the target group preferred either mostly music or more music than speech.

Support for local sports coverage

Local sport will be an important component of the City Talk format. According to our survey, one in three adults listen to local sport on the radio. The demand is driven by men with 46% claiming to listen compared to 21% of females. In the target group 51% listen to local sport. Detailed coverage, commentary, discussion and debate, results and headlines proved to be the types of coverage most in demand by all adults, males and those in the target group, where demand is strongest.

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 policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>) and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>).

Background to licence AL000096BA/3

Legislative changes in the late 1980's allowed licence holders with services broadcasting on both the FM and AM wavebands to split the frequencies and launch a second service. In 1989 City Talk 1548 was launched. However the service was unsuccessful and became Radio City Gold in 1991. In 1998 the service was re-branded as Magic 1548 and soon began to share content with other services in Northern England operating with the same brand name. In 2015 the stations' owners Bauer Media re-organised and re-branded its UK services in the north of England and Scotland and on January 5th Magic 1548 became Radio City 2. Since 1991 the service has operated an oldies format with a reasonable degree of audience and commercial success. However it is clear that to achieve its full potential Radio City 2 would benefit from the use of an FM frequency. As stated above, we have proposed this change in full in a separate document.

Radio City Talk

In this submission we propose that Radio City 2 is replaced by a re-designed and more attractively targeted version of City Talk, which we have re-titled Radio City Talk. The new service will focus primarily on males and in particular males aged between 35 and 49. The format has been built based on knowledge gained about the audience and their tastes from operating City Talk and the results of a survey detailed above. It is clear that a service offering a mix of rock hits, local news and extensive sports coverage will be popular. It is also clear that a high percentage of speech overall will reduce the attractiveness of the brand and result in smaller audiences.

Therefore Radio City Talk will feature more music than its predecessor, this music will be more appropriately targeted on males, particularly those aged between 35 and 49.

The output will feature Rock Hits from artists such as The Rolling Stones, David Bowie, Oasis, The Killers and Coldplay. Our spoken content during the day will have a heavy emphasis on sport and in particular local football. Late at night, the hugely popular Phone-In will continue and at the weekends we will offer the best coverage of the local football teams in action. All of the output will be locally made. The schedule features live local programmes such as Breakfast on the Terraces, Liverpool Live and Terrace Talk every weekday and The Warm Up, Game On and Rock & Goals at the weekend. Local news will feature hourly at peaktimes, during daytime and at weekend peaktimes. A full programme schedule has been provided in a separate document.

City Talk in its original form was not commercially viable and even though changes were made in 2009 which improved the appeal of the service, it still did not achieve commercial success or reach the potential we believe exists. Backed by our knowledge of the area, response to existing services and the Tpoll survey, we believe we have now created the perfect mix. In Radio City Talk, should this application be successful, we will have a service that will grow local audiences and, in time, become commercially successful.

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.

Version 6 – amended April 2010

Analogue Commercial Radio Licence: Format Change Request Form City Talk

| | |
|--|---|
| Date of request: | 26-06-2015 |
| Station Name: | City Talk (proposed new service Radio City 2) |
| Licensed area and licence number: | Liverpool and surrounding area AL000321BA/1 |
| Licensee: | Radio City (Sound Of Merseyside) Ltd |
| Contact name: | Graham Bryce |

Details of requested change(s) to Format

| | |
|---|---|
| <p>Character of Service</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Existing Character of Service:</p> <p>A SERVICE OF SPEECH AND SOFT POP-LED MUSIC PROGRAMMING FOCUSED ON THE INTERESTS OF THE PEOPLE OF LIVERPOOL AND SURROUNDING AREAS.</p> <p>THE SERVICE WILL BE 100% SPEECH DURING PEAK TIMES, FOCUSING ON NEWS, INFORMATION, FEATURES AND DISCUSSION.</p> <p>DURING THE REST OF WEEKDAY DAYTIME, THERE WILL BE A MIX OF SPEECH FEATURES AND PHONE INS AND SOFT POP-LED MUSIC. DURING WEEKDAY DAYTIME, SPEECH CONTENT WILL GENERALLY NOT FALL BELOW 50%.</p> <p>THERE WILL BE A LATE NIGHT PHONE IN SHOW FIVE NIGHTS A WEEK, AND A LONG-FORM SATURDAY SPORT PROGRAMME WHICH WILL CARRY DEDICATED LIVE MATCH COMMENTARY (i.e. SEPARATE FROM RADIO CITY) WHEN APPROPRIATE. LATE NIGHT PROGRAMMES AND THE SATURDAY AFTERNOON SPORT PROGRAMME MAY BE SHARED WITH RADIO CITY.</p> |
| | <p>Proposed new Character of Service:</p> <p>A CLASSIC SOFT POP MUSIC-LED SERVICE AIMED PRIMARILY AT THE OVER-30s IN THE LIVERPOOL AND SURROUNDING AREA</p> |

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|--|---|
| <p>Programme sharing and/or co-location arrangements</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Current arrangements:</p> <p>No Arrangements</p> |
| | <p>Proposed new arrangements:</p> <p>No Arrangements</p> |
| <p>Locally-made hours and/or local news bulletins</p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p> | <p>Current arrangements:</p> <p><u>Locally made hours</u> At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.</p> <p><u>Local news bulletins</u> At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, national and international news should feature.</p> |
| | <p>Proposed new obligations:</p> <p><u>Locally made hours</u> At least 7 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.</p> <p><u>Local news bulletins</u> Broadcast hourly during weekday daytimes and at peak-time at the weekend. Outside peak, UK-wide, national and international news should feature.</p> |

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 (available on our website at <http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>)

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 in 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 at:

<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>)

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. #.

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:

Section 106(b) relevance....

The available services within the Liverpool and surrounding area include Dune FM, Juice FM, Heart North West, Smooth Radio North West, Capital FM, Radio City, Radio City 2 and City Talk. The proposal seeks to replace City Talk (this licence number AL000321BA/1) with Radio City 2 (licence number AL000096BA/3). A separate proposal has been submitted for a format change to licence AL000096BA/3. When taken together, the range of programmes on offer will not be reduced. The range of local programmes will in fact increase by 7 hours a day as a result of the combined proposals.

Section 106(c) relevance....

Making this change, particularly when taking into account the separate proposal referred to above, will ensure continuation of the current competitive dynamic.

Section 106(d) relevance....

Radio City 2 is already a reasonably popular service in the Liverpool area reaching 56,000 people each week according to RAJAR (Q1 2015). There is strong evidence that making the service available on FM will generate even more listening. This move will effectively improve the quality of transmission, a fact that has been recognised by both current listeners and non-listeners. According to a telephone survey of 850 adults aged 15+ in the Liverpool TSA, 41% of existing listeners to Radio City 2 said

they would listen to the service for longer if it were to be made available on FM. Furthermore, 56% of non-listeners said they would be more likely to listen to the service if it became available on FM.

The survey fieldwork was conducted between April 17th and April 28th 2015 by Tpoll with analysis and interpretation provided by Deliberate Ltd. A full copy of the survey including all tables and the questionnaire has been provided separately.

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 policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/formats-content/changes/>) and also Ofcom’s Localness guidance, which includes our co-location and programme sharing policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>).

Background to licence AL000321BA/1

In August 2006 Radio City applied for the newly advertised FM licence for Liverpool which was awarded to Radio City in November 2006. The successful application was for “City Talk” an all-speech service local station for the city with strong commitment to news and sport. This quality speech proposal was set up to capitalise on the skill base at Radio City and to provide a strong speech competitor to BBC Radio 5 and BBC Radio Merseyside. The station launched in January 2008 to some critical acclaim. However this success was not matched in audience performance or commercial success and in 2009 changes to the format were agreed that would enable the station to operate more effectively and efficiently. However the service has still not achieved the audience and commercial success. The product has now been redesigned to serve a primarily male audience on the AM and DAB platforms. As stated above, the full proposals for this change have been submitted in full in a separate application.

Radio City 2

In this submission we propose that City Talk is replaced by the Radio City 2. This oldies format has a wide appeal and has proved to be successful in many areas of the country. The average weekly reach of all adults for Radio City 2 over the last two years is 82,000 according to RAJAR. By making this switch from AM to FM, we believe we can significantly improve this performance and, in an increasingly competitive market, take listeners and listening from both BBC Radio Merseyside and BBC Radio 2. We propose no changes to the format itself, however we do intend to increase the hours of local programming and enhance the local news service. The research clearly demonstrates the demand for this change. Existing listeners would listen for longer and more than half of non-listeners who are aware of the station would be more likely to listen.

Localness

We will introduce new local breakfast and drive-time shows during the week and new locally made peaktime shows at the weekend. The service will include a minimum of 7 hours of locally-made programming during weekday daytimes, and a minimum of 4 hours a day of locally made programming at the weekend.

Radio City 2 will provide an enhanced local news service with hourly local bulletins during weekday daytimes and at the weekend during peaktimes. This service will be of high quality, relevant, timely and accurate. Although local news will not dominate every bulletin, all journalists and bulletin editors will be aware of the importance of local news to our listeners. The station will have the capability to dispatch reporters to cover local stories on a daily

basis and be able to react quickly on-air to major local events. A full programme schedule has been provided in a separate document.

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.

Version 6 – amended April 2010

Annex 6

Existing Format of Radio City 2

Service name

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|---------------------|
| RADIO CITY 2 |
|---------------------|

| | |
|-----------------------|------------|
| Licence number | AL096 |
| Licensed area | Merseyside |
| MCA population | 1,690,270 |
| Frequency | 1548 kHz |

Character of Service

| | |
|---|--|
| A CLASSIC SOFT POP MUSIC-LED SERVICE AIMED PRIMARILY AT THE OVER-30s IN THE MERSEYSIDE AREA. | |
| Service duration | 24 hours |
| Locally-made programming | Studio location: Locally-made programming must be produced within England. |
| | Locally-made hours: At least 10 hours per day during daytime weekdays must be produced in England. |
| | Programme sharing: All of the 10 hours of programmes produced in England may be shared with other AM stations in the 'Place 2' network in England. |
| Local news | No requirement for local news, but UK-wide, nations and international news should feature. |

Definitions

| | |
|-----------|--|
| Speech | Excludes advertising, programme/promotional trails & sponsor credits |
| Peak-time | Weekday breakfast and drive-time, and weekend late breakfast |
| Daytime | 06.00 to 19.00 weekdays and weekends |

Notes

This Format should be read in conjunction with Ofcom's published Localness Guidelines

Last amended: DECEMBER 2014

Existing Format of City Talk

CITY TALK 105.9

Character of Service

A SERVICE OF SPEECH AND SOFT POP-LED MUSIC PROGRAMMING FOCUSED ON THE INTERESTS OF THE PEOPLE OF LIVERPOOL AND SURROUNDING AREAS. THE SERVICE WILL BE 100% SPEECH DURING PEAK TIMES, FOCUSING ON NEWS, INFORMATION, FEATURES AND DISCUSSION.

DURING THE REST OF WEEKDAY DAYTIME THERE WILL BE A MIX OF SPEECH FEATURES AND PHONE INS AND SOFT POP-LED MUSIC. DURING WEEKDAY DAYTIME SPEECH CONTENT WILL GENERALLY NOT FALL BELOW 50%.

THERE WILL BE A LATE NIGHT PHONE IN SHOW FIVE NIGHTS A WEEK, AND A LONG-FORM SATURDAY SPORT PROGRAMME WHICH WILL CARRY DEDICATED LIVE MATCH COMMENTARY (i.e. SEPARATE FROM RADIO CITY) WHEN APPROPRIATE. LATE NIGHT PROGRAMMES AND THE SATURDAY AFTERNOON SPORT PROGRAMME MAY BE SHARED WITH RADIO CITY.

| | |
|-----------------------------|--|
| Licensed area | Liverpool and surrounding area (as in Ofcom advertisement) |
| Frequency | 105.9 MHz |
| Service duration | 24 hours |
| 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 bulletins | At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, national and international news should feature. |

Shared arrangements (if applicable)

| | |
|--------------------------|------------------------|
| Co-location | No Arrangements |
| Programme sharing | No Arrangements |

Definitions

| | |
|----------------|--|
| Speech / Music | Excludes advertising, programme/promotional trails & sponsor credits |
| Peaktime | Weekday breakfast and drivetime, and weekend late breakfast |
| Daytime | 0600 to 1900 weekday and weekend |
| Locally-made | Production and presentation from within the licensed area |

MCA population : 1,375,724

Licence number : AL 321-1

Notes

This Format should be read in conjunction with Ofcom’s published Localness Guidelines as updated with additional text from “The Future of Radio : The Next Phase” (2007)

AGREED MAY 2009

Annex 7

Other commercial and community radio stations in the Liverpool area

Commercial radio stations

The following local commercial radio services are available in some or all of the Liverpool licence area. A link to the published Format of each service can be found below the name of each licence and station:

Radio City (Liverpool and surrounding area)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000097ba2radiocity.htm>

Heart (North West England)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000220ba4heart.htm>

Smooth North West (North West England)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000164ba3smoothradio.htm>

Juice FM (Liverpool)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000207ba2juicefm.htm>

Capital (Wrexham and Chester)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000087ba3capitalfm.htm>

Smooth (Wrexham and Chester)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000086ba2smoothradio.htm>

Community Radio

The following community radio services are available in the Liverpool licence area. A link to the published Key Commitments document for each service can be found below the name of each licence and station:

Wirral Radio (Wirral)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000100ba2wirralradio.htm>

Flame CCR (Wirral)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000155ba2flameccr.htm>

KCC Live (Knowsley)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000162ba3kcclive.htm>

Halton Community Radio (Halton)

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000102ba1haltoncommunityradio.htm>