

## Analogue Commercial Radio Licence: Format Change Request Form

<b>Date of request:</b>	
<b>Station Name:</b>	Greatest Hits Radio (Coventry)
<b>Licensed area and licence number:</b>	Coventry AL021
<b>Licensee:</b>	Orion Media Ltd
<b>Contact name:</b>	Graham Bryce

### Details of requested change(s) to Format

<b>Character of Service</b>  <i>Complete this section if you are requesting a change to this part of your Format</i>	<b>Existing Character of Service:</b>
	<b>Proposed new Character of Service:</b>
<b>Programme sharing and/or co-location arrangements</b>  <i>Complete this section if you are requesting a change to this part of your Format</i>	<b>Current arrangements:</b> <u>Programme sharing:</u> All programmes may be shared between the Birmingham licence (AL076), the Coventry licence (AL021) and the Wolverhampton & Shropshire licence (AL118). <u>Co-location arrangements:</u> Locally-made programming must be produced within the licensed areas of Birmingham (AL076), Coventry (AL021) or Wolverhampton & Shropshire (AL118)
	<b>Proposed new arrangements:</b> <u>Programme sharing:</u> All programming may be shared with the other Greatest Hits Radio stations in England <u>Co-location arrangements:</u> At least 10 hours a day must be made in England
<b>Locally-made hours and/or local news bulletins</b>  <i>Complete this section if you are requesting a change to this</i>	<b>Current obligations:</b> At least 4 hours a day on weekdays.

<i>part of your Format</i>	<b>Proposed new obligations:</b> At least 10 hours a day must be made in England
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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.<sup>1</sup>

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 on our website.<sup>2</sup>

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

<sup>1</sup> Available at [https://www.ofcom.org.uk/data/assets/pdf\\_file/0024/87405/The-regulation-of-Format-changes.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf)

<sup>2</sup> At [https://www.ofcom.org.uk/data/assets/pdf\\_file/0024/87405/The-regulation-of-Format-changes.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf)

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 policy<sup>3</sup> and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy.<sup>4</sup>**

#### **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](http://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

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<sup>3</sup> Available at [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0024/87405/The-regulation-of-Format-changes.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf)

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

# Ofcom notes on the request

## Statutory requirements

This request relates to the AM licence for Coventry held by Orion Media Limited, broadcasting as 'Greatest Hits Radio' (formerly Free Radio 80s).

Parent company Bauer Radio has requested the following change to the Format of this licence:

- To remove the requirement for at least four hours of locally-made programming each weekday and replace it with a requirement to broadcast at least 10 hours per day of programming that is made in England.
- To share all programming with Bauer's other 'Greatest Hits' AM stations in England.

This request 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

With regard to the request to broadcast 10 hours per day of locally-made programming hours from anywhere within England, Ofcom was satisfied in relation to section 106(1A)(e), on the basis that the change requested, if approved, would result in programmes included in the licensed service being made at premises within the 'England' approved area for local AM services<sup>5</sup>.

In considering the request to share locally-made programming hours with Bauer's other AM 'Greatest Hits' stations in England, we were satisfied in relation to section 106(1A)(a) – that the change would not substantially alter the character of the service. The request is consistent with our policy on AM stations, set out in our published localness guidelines, which permits AM services to co-locate and share programming with other AM stations within the stations' nation, and we would continue to expect the licensee to provide a service that includes sufficient local material to deliver the required character of service.

As a matter of general policy<sup>6</sup>, we are content to approve Format change requests relating to locally-made programming and programme sharing which are consistent with our published localness guidelines on these matters.

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<sup>5</sup> In our localness statement in October 2018, Ofcom said that "We have in effect set an approved area for each local AM station which equates to the UK nation in which their broadcast area is located, and we expect them to provide 10 hours of locally-made (i.e. from within the nation) programming each weekday daytime."

<sup>6</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0024/87405/The-regulation-of-Format-changes.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf)

## Decision

Ofcom decided to approve this Format change request from Greatest Hits Radio (Coventry) because we were satisfied in relation to two of the relevant statutory criteria, and for the policy reasons outlined above.

*January 2019*