



Analogue Commercial Radio Licence: Format Change Request Form

Date of request:	17.6.16
Station Name:	DREAM 100.
Licensed area and licence number:	AL054-3 TENDRING
Licensee:	Mellow 1557 Ltd
Contact name:	Jonathan Hemmings

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: N/A
	Proposed new Character of Service: N/A
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: Dream 100 AL054-3 co-locates with Town FM AL308-1 at the Town 102 office at Great Blakenham near Ipswich IP6 0LW
	Proposed new arrangements: Dream 100 AL054-3 to share all programming with Town FM AL308-1 and the new service will remain located at the Town 102 office at Great Blakenham near Ipswich IP6 0LW where all programming is made.
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: N/A
	Proposed new obligations: N/A

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:

Dream 100's studios and offices were, prior to co-location in 2015, located at Northgate House, Colchester. They had been there, on the fringes of the station's licensed area and TSA since the station began broadcasting in 1999 as Dream

100FM, having previously been Mellow 1557AM. There was historic agreement for this from the Radio Authority.

Co-location with Dream 100's sister station Town 102, licence number AL-308-1, at the Town 102 premises, was granted by OfCom in summer 2015.

We now propose that Town FM AL-308-1 share all programming with Dream 100 AL054-3 and remain located at the Town 102 office at Great Blakenham near Ipswich IP6 0LW where all programming is made 24/7.

The character of the new service will not be affected by the proposed change, and this will not narrow the range of programmes by independent radio services available to persons living in the area.

Dream 100 has been broadcasting a local radio service from the fringes of its licensed area since it began in 1999. Town FM has been on air in East Suffolk since 2006. The new shared-programming station will continue to meet all licence obligations to provide local material relevant to the listeners in the licensed area. In fact we have taken significant steps to further develop our delivery of localness on and off air.

Previously, local news for all five stations in the Anglian Radio Group came from our News Hub at the studios of Town 102. Now there is a new Newsroom in Norwich for the three stations in the North of our region and the Newsroom at Town 102's office can now focus solely on the local news output and news gathering for the Dream 100 and Town 102 areas. More time and more focus is now available for more News gathering for these two stations.

This new News service will super-serve the North Essex, Tendring and South / East Suffolk area, and have direct editorial responsibility for covering its licensed area. New extended local news bulletins will run at 1pm and 6pm weekdays. We shall also introduce a twice-weekly local sports phone-in programme dealing with not only Ipswich Town FC and Colchester United FC but also local leagues across the area, particularly relating to women's and children's sports and leagues as well.

Local news bulletins will run hourly from 0600-1900 with half hourly headlines as well on Breakfast and Drivetime programmes weekdays, and 0800-1200 weekends.

There will be no reduction in locally-made programming hours, running weekdays 0600-1900. The character of the service will not be substantially altered. Programming will be based in Great Blakenham IP6 0LW where all output 24/7 would be made.

On air content will still be strongly based around matters of local importance, relevance and general interest to our target audience in the broadcast area, distinct from national broadcasters. Activities with schools, sports groups, charities, our Local Heroes awards, programming at times of flooding, snow etc. will all give listeners a feeling of kinship between themselves and the station.

We have also reduced the number of networked shows to just weekday evenings and weekend afternoons, with a new locally voicetracked early weekend breakfast show 6-8am brought in to provide local information and events updates for the discrete area, plus a locally voicetracked Sunday evening show. Split link technology which is already used in our off-peak group programming to deliver even stronger localness will be employed in peak hours.

Local travel news will continue to be delivered weekdays every 15 minutes at breakfast, hourly during daytimes and every 20 minutes at drivetime. It will remain hourly on weekends late breakfast plus whenever needed.

Local weather will continue to be delivered at least once every 15 minutes on weekday breakfast and drivetime plus in all news bulletins during daytime and on weekends late breakfast.

Dream 100 and Town 102 share the same playlist and music log already. The broad music policy will continue. For example, artists featured on the current playlist range from contemporary hits by Taylor Swift, Ellie Goulding, Take That, Mark Ronson and Adele to classics by Queen, Chic, Michael Jackson and Lionel Richie, and this policy is reinforced further by the No Repeat Workday 9-5, guaranteeing a broad range of artists, songs and eras.

Our commitment to localness has been enhanced by the introduction of a full-time Street Team, carrying out promotional activity in the licensed area on a daily basis ranging from Cool Rides to School for kids, donut runs into workplaces, car sticker promotions and many more daily events in the local market place.

Bespoke content: All local news bulletins, sport, weather, and what's ons will be bespoke. We already over-deliver by some way on local news bulletins, and the breaking up of the former News hub in Ipswich means that while the North stations produce their own news from Norwich, at the Town/Dream premises, we have a team dedicated solely to the News of these two services. Time is no longer compromised by 3 other services in the North and we are now out reporting on a daily basis from areas in each TSA. An enhanced local news is one of our key aims.

Travel news requires certain flexibility and common-sense depending on the day's events when it comes to creating bespoke bulletins or one single bulletin. For certain, I guarantee that neither station will see any reduction in the quality or quantity of local travel news. Where it would make sense, on occasion, to offer the same travel bulletin on both frequencies would be in the case of events where, as happened recently, a huge accident on the A12 near Ipswich affected Colchester-bound traffic for 5 hours. This was therefore the top item on our travel bulletins, and News, on both services.

Split link technology would also be used for Street Team activity on both stations such as the daily Cool Ride to School for children in the local area with on air links, the Donut Run with daily visits into local workplaces with on air links, and all other individual radio station activity, promotions and events. Presenters would also use split link technology in local daytime hours for bespoke station activity plus general local comment and content for each TSA.

With all such things taken into account, we believe this request is consistent with OfCom's requirements and guidelines.

OfCom has identified three key factors which it will consider when assessing programme-sharing requests from stations from different approved areas:

The size of the stations involved (in terms of the population they cover):

Dream 100's MCA is well within the 250,000 OfCom threshold at 117,154.

Town 102's MCA is also well within the threshold at 154,993.

The distance and affinity between the relevant areas

As it stands, Dream 100 is located in the Essex Approved Area while Town 102 is in the Anglia Approved Area. However, both station locations are on the respective borders.

Dream 100 broadcasts to the principal towns of Clacton, Walton, Frinton, Harwich, Wrabness, Manningtree and Mistley in the Tendring / North Essex area (see below OfCom map Tendring FM MCA 14th January 2011). We would like to stress that when Dream 100 began in 1999, it was a service for North Essex and South Suffolk, and included the Suffolk towns of East Bergholt, Brantham, Shotley and Felixstowe. These places are in the Anglia Approved Area (and were only removed from Dream 100 RAJAR sampling at a later date due to poor reception from the Clacton transmitter in the South Suffolk area). This confirms the Radio Authority's view on the genuine affinity between the North Essex and South Suffolk areas.

<http://www.ofcom.org.uk/static/radiolicensing/mcamaps/al000054.pdf>

The OfCom MCA map below for Suffolk-based Town 102 (11th October 2006) shows that this station actually covers some of the same Approved Area (Essex) as Dream 100 – Manningtree, Mistley, Wrabness, even as far south as Little Bentley near Colchester. This again underlines the clear affinity between the licensed areas of the two radio stations.

<http://www.ofcom.org.uk/static/radiolicensing/mcamaps/al000308.pdf>

The point we make is that whilst the two stations at present fall into different Approved Areas (Essex and East Anglia), the actual difference in mileage is negligible. Whilst Colchester might be in Essex, it has a greater affinity with the Anglia region, and is not 'Essex' in the sense of metropolitan Essex like Chelmsford, Basildon, Romford and Southend. Colchester to Clacton is 15 miles. Colchester to Ipswich is 15 miles. Ipswich to Clacton is 25 miles. These are very common commuter work routes and locations in the North Essex / South Suffolk area.

To take Manningtree as an example. This border town is 11 miles from Ipswich and 9 miles from Colchester so the difference to this key town in the Dream 100 area from where Dream 100 previously broadcast, to where it now broadcasts from, is just 2 miles. Such is the proximity of the current location to the Dream 100 licensed area that we believe there would be no diminution of cultural affinity whatsoever resulting from this proposed programme-sharing, with the broadcast location on the fringe of the licensed area.

Financial Factors

The proposed sharing of programming between Dream 100 and Town 102 will enable a reduction in the amount of overheads spent on non-programming items. It will therefore represent a genuine material contribution to the safeguarding of local output and the future viability of both station licences. The competitive market in this region is dominated by well-funded highly networked national brands. The proposed programme-sharing helps us to maintain an operation based on local content and activity. Infrastructure cost savings, and savings in business rates and rent will enable us to enhance the local programming and promotion initiatives, outlined above.

In summary we believe our request for programme-sharing between licences that are located in neighbouring Approved Areas satisfies OfCom's 'out of area' policy by taking into account and presenting a compelling case regarding distance, cultural affinity, size of coverage area and financial viability. Both stations are small-scale in

nature, thereby making a stronger case for programme-sharing as per OfCom's published policy.

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/>).

The proposed changes to programme sharing are consistent with OfCom's Statement on commercial radio localness regulation (15 April 2010) since the licences concerned are adjacent, with some significant overlap of MCA, involving neighbouring OfCom approved areas Essex and East Anglia.

There will be no reduction in local programming hours, weekdays 0600-1900 and weekends 0800-1200. We shall over-deliver on local news requirements in terms of hourly 0600-1900 weekdays with headlines half-hourly at Breakfast and Drive, plus weekends 0800-1200.

Town 102 FM AL308-1 has a broadcast area bordering and, in part overlapping, with Dream 100 AL054-3.

Culturally, the areas served by the two services share many things – commuter routes eg A12, A120, A137, A133, and famous destinations such as the Port of Felixstowe, Constable Country and the Dedham Vale. The River Stour joins the two station areas between Colchester and Sudbury. Sporting and entertainment venues in both MCAs are commonly visited by residents of both MCAs e.g. Portman Road Football Ground, Clacton Pier, Colchester Castle, Ipswich Regent Theatre.

Therefore we feel there is a very strong cultural affinity between these three areas and the fact that geographically, they border one another and are linked by key roads and rivers, adds to this assertion.

Town 102 FM has an MCA of just 154,993 with Dream 100 at 117,154. We feel that this is a factor that makes for an even stronger case as both are below 250,000, indeed one only just above 100,000. One larger and more viable station will be greatly beneficial to us, and will allow financial investment in areas where we can further develop our localness e.g. an enhanced Newsroom, extra journalists and a larger Street Team.

It is therefore our view that this proposal meets the criteria for programme-sharing as defined by OfCom. Thank you.

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

Background to the Decision

Mellow 1557 Ltd, the licensee of Dream 100 (Tendring) has made a request for Dream 100 to share all of its locally-made programmes with Town 102 (Ipswich). Both licences are owned by Anglian Radio Ltd.

Every FM local commercial radio service is required to broadcast a certain amount of locally-made programming, which is 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". The Approved Area relating to Dream 100 is the Essex Approved Area.

This request from Dream 100 is to share programmes with the Ipswich service, which is not in Dream 100's Approved Area. This request would change the Tendring service's character of service as set out in its Format, and accordingly can only be agreed by Ofcom if Ofcom considers that one of the statutory criteria set out in section 106(1A) of the Broadcasting Act 1990 is satisfied in relation to the request.

These criteria are:

- (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 in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition in that area or locality; or
- (d) that in the case of a local licence, 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, in the case of a local licence – (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.

Ofcom has published details of the sort of factors that Ofcom will take into account when considering a request from a service to co-locate and/or share programmes with a service, or services, in a different "approved area". However, there may be other factors to be taken into account, and all requests are treated on a case-by-case basis. The factors Ofcom have published are the following:

- Size of station: there may be a stronger case for co-location and/or programme sharing where at least one of the stations has a licensed area

with a population of fewer than 250,000, and especially those under 100,000, although we would not rule out requests from larger stations in exceptional circumstances.

- Distance and affinity between the areas: there is likely to be a stronger case for co-location where the stations concerned are not too far apart geographically and are able to demonstrate a cultural affinity between the two areas.
- Financial: there may be a stronger case for co-location where stations can demonstrate that co-location is required to ensure the financial viability of the stations concerned.

Decision

Ofcom decided that the change, if approved, would not substantially alter the character of the Tendring service, and accordingly that the statutory criterion set out in section 106(1A)(a) of the Broadcasting Act 1990 was met in this respect.

In reaching this view, we were cognisant of the fact that the music output (accounting for the majority of both station's output) will remain unchanged, given Dream and Town already share the same music log.

In addition, Ofcom noted that the key local material strands – local news, sport, weather and what's on information – will continue to be delivered on a bespoke basis for each station using 'split link' technology, and the 13.00 and 18.00 local news bulletins will be longer than at present.

Having been satisfied in relation to one of the relevant statutory criteria, we then considered this request under Ofcom's policy criteria. This included policy criteria specific to co-location and programme change requests.

We concluded that two of the policy criteria relating to co-location and programme change requests were particularly relevant to this case.

The first criteria was 'size of station'. Ofcom has previously said that there may be stronger case for programme sharing where at least one of the stations has a licensed area with a population of fewer than 250,000 adults. Dream's MCA is 117,154 adults and Town 102's is 154,993 adults, so both services would comfortably fall into this category.

The other criteria was 'Distance and affinity between the areas'. Ofcom has said there is likely to be a stronger case for programme sharing where the stations concerned are not too far apart geographically and are able to demonstrate a cultural affinity between the two areas. Anglian Radio has been able to demonstrate there is some cultural affinity between North Essex and South Suffolk, noting that some commuting and leisure time activities taking place between the two areas and that towns and villages such as Manningtree, Mistley and Wrabness fall within the licensed areas of both services.

In summary, therefore, Ofcom agreed this Format change request because it was satisfied in relation to one of the relevant statutory criteria, and for the policy reasons outlined above.

November 2016