

## Analogue Commercial Radio Licence: Format Change Request Form

<b>Date of request:</b>	6 October 2020
<b>Station Name:</b>	Ipswich 102
<b>Licensed area and licence number:</b>	Ipswich AL102406
<b>Licensee:</b>	Ipswich 102 Ltd
<b>Contact name:</b>	Gregory Watson

### 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> An Ipswich based, broad music service for a 35+ audience, with a strong commitment to Ipswich news and local information.
	<b>Proposed new Character of Service:</b> A broad music service for a 35+ audience, with a strong commitment to Ipswich news and local information
<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> No arrangements <u>Co-location arrangements:</u> Locally made programming must be produced within the licensed area
	<b>Proposed new arrangements:</b> <u>Programme sharing:</u> All programmes may be shared between Ipswich 102 and any other licensed station in the East of England Approved Area <u>Co-location arrangements:</u> Locally made programming must be made within the Approved Area of the East of England
<b>Locally-made hours and/or local news bulletins</b>  <i>Complete this section if you are requesting a change to this part of your Format</i>	<b>Current obligations:</b> <u>Locally made hours:</u> At least 13 hours a day during daytime weekdays (must include breakfast) and at least 7 hours daytime Saturdays and Sundays <u>Local news:</u> At least hourly during daytime weekdays and peak-time weekends. At other times, UK-wide, nations and international news should feature

	<p><b>Proposed new obligations:</b></p> <p><u>Locally made hours:</u> At least 3 hours a day during daytime weekdays</p> <p><u>Local news:</u> At least hourly during daytime weekdays and peak- time weekends. At other times, UK-wide, nations and international news should feature</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.<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 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.

<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)

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 location of the production of programmes is included in other elements of the format and Ofcom's policy allows for production to be made within approved areas. The proposed changes to local hours, local production 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 FM licence for Ipswich held by Ipswich 102 Limited ('Ipswich 102'), currently broadcasting as Ipswich 102.

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'.

Ipswich 102 has requested the following changes to the Format of the Ipswich licence:

- To change the 'Character of Service' description from *"An Ipswich based, broad music service for a 35+ audience, with a strong commitment to Ipswich news and local information"* to: *"A broad music service for a 35+ audience, with a strong commitment to Ipswich news and local information."*
- To produce locally-made programming anywhere within the Ofcom approved area of the East of England.
- To reduce the required number of locally-made programming hours on weekday daytimes from 13 to three, and from seven to none on weekend days.
- To share all locally-made programming with other local commercial radio stations in the East of England Ofcom approved area.

These proposed changes would change the overall 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'

The proposed change to the 'Character of Service' description is to remove the requirement for the station to be "Ipswich-based". This is also addressed by the licensee's request to produce locally-made programming from anywhere within the Ofcom approved area of the East of England (currently, the Format requires that locally-made programming hours must be broadcast from within Ipswich 102's licence area).

Ipswich 102's Format is an unusual one given that 'Character of Service' descriptions do not normally include references to the physical location of a station's studios or offices (particularly given that there is a separate part of the Format which regulates 'studio location').

This Ipswich licence was awarded relatively recently, in a competitive licence contest<sup>5</sup>, in June 2018. In Ofcom's [published award statement](#), there was no reference made to the fact that the successful applicant had committed to being "Ipswich-based", meaning it was not a significant consideration in

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<sup>5</sup> The other application for the licence came from Celador Radio Limited ('Town 102'), the incumbent licensee at the time.

the award of the licence. We also consider, as we stated in our October 2018 ‘Localness on commercial radio’ statement<sup>6</sup>, that allowing stations flexibility to reduce the amount of locally-made programming they broadcast while continuing to require them to deliver their ‘character of service’ through providing an appropriate amount of local material, is an appropriate and proportionate approach to securing the local content and character of local radio services. We note that Ipswich 102 will continue to be the only local analogue commercial radio service licensed to provide local news and information specifically for the Ipswich area, in a manner that is consistent with Ofcom’s published localness guidelines. Therefore, we were satisfied in relation to section 106(1A)(a) of the Broadcasting Act 1990, that the departure would not substantially alter the character of the service.

We were also satisfied that there were no policy grounds upon which to reject this request, taking account of our [published policy criteria](#) on Format changes. In particular, for the reasons set out above, we were satisfied that the extent of the impact of the change on the character of the Ipswich 102 service would be limited.

#### Proposed changes to locally-made programming requirements

With regard to the request to broadcast locally-made programming from anywhere within the approved area of the East of England, 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 East of England approved area.

In considering the proposed change to the volume of locally-made hours, and the request to share all local programming hours with other local commercial radio services 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](#).

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 provide local material relevant to the listeners in its licence area.

## Decision

Ofcom decided to approve this Format change request from Ipswich 102 Limited because we were satisfied in relation to two of the relevant statutory criteria, and for the policy reasons outlined above.

*October 2020*

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<sup>6</sup> [https://www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0019/124435/statement-further-consultation-localness-commercial-radio.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/124435/statement-further-consultation-localness-commercial-radio.pdf)