



## Analogue Commercial Radio Licence: Format Change Request Form

Date of request:	11/03/16
Station Name:	2BR
Licensed area and licence number:	Burnley & Pendle AL258
Licensee:	Lancashire Broadcasting Co Ltd (UKRD)
Contact name:	Simon Brierley

### 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> 2BR AL258 currently co-locates with The Bee AL323 and AL 292 but shares no programming.
	<b>Proposed new arrangements:</b> 2BR will share all programming with the Preston licence AL323 and Blackburn licence AL292, all 3 services being named 2BR. They will continue to co-locate at premises in Accrington BB5 5HY.
<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>
	<b>Proposed new obligations:</b>

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:**

(a) & (b) This change will not substantially alter the character of service or narrow the range of programmes. All 3 services are currently following the same music format, with a large proportion of localness being delivered through MCA specific local news bulletins, and use of split link technology. This commitment to local news bulletins will remain.

(c) This change is precipitated by the addition of 2BR to the Lancashire MUX which will be conducive to the maintenance of fair and effective competition – ensuring 2BR has a digital presence for the future.

(e) All programmes will continue to be made wholly or partly at premises within the approved area of Lancashire & Cumbria.

**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/> ).**

2BR and The Bee are neighbouring stations covering East and Central Lancashire. The Bee (AL292 and AL323) has a combined MCA of 355,780 and 2BR (AL258) has an MCA population of 191,267. The 2 MCAs are contiguous.

Culturally, the areas served by the two services share many things – hospitals, police, education, commuter routes are all shared.

This proposal would see the existing, established 2BR brand extending across all 3 services, with all services retaining transmitter specific local news bulletins, localised imaging and commercial logs. This would be complemented by a new Lancashire wide 2BR on the Lancashire MUX.

It is therefore our view that this proposal meets the criteria for co-location and format change as defined by Ofcom.

#### 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

### **OFCOM NOTES ON THE REQUEST**

The request has been agreed under Section 106(1A)(a) of the Broadcasting Act 1990 – that the departure would not substantially alter the character of the service. In addition the request is

consistent with our localness policy relating to programme sharing within approved areas, as set out in our published localness and Format change guidelines.

March 2016