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## **Nation Radio (Ceredigion)**

Request to change Format

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**CONSULTATION:**

Publication date: 12 April 2019

Closing date for responses: 10 May 2019

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# 1. Overview

A commercial radio station's Format sets out the type of broadcast output it is required to deliver, and forms a part of its licence.

The analogue commercial radio licence for Ceredigion was fully re-advertised by Ofcom in April 2018. The licence was awarded in December 2018 to the pre-existing licensee (and sole applicant) Radio Ceredigion Limited ('RCL'). RCL's re-application was based on replacing the existing 'Radio Ceredigion' service with a relay of the service provided under the South Wales regional licence, Nation Radio, which is held by Nation Radio Limited. Nation Radio Limited and RCL are both part of the same corporate group (Nation Broadcasting).

However, since the licence award was made, RCL has decided that it would instead prefer to continue broadcasting a service more closely aligned with the existing Radio Ceredigion service when the new Ceredigion licence commences on 1 June 2019.

In order to be able to do this, RCL has submitted a Format Change Request to change the Format that it drafted for its licence re-application.

When a request to change a Format constitutes a substantial alteration to the character of service, the request is subject to consultation. This document outlines the request received from RCL, and Ofcom's preliminary view on the request.

## What we are proposing – in brief

Ofcom is minded to approve the Format Change Request submitted by RCL.

RCL wishes to change the 'Character of Service' of the Format submitted in its re-application for the Ceredigion licence ("*A music station for Wales for a broad audience aged 15+*") to "*A music station for Ceredigion for a broad audience aged 15+*".

In addition, RCL wishes to make the following changes to the minimum number of hours of locally-made programming it is required to broadcast, and the programme sharing and co-location arrangements, that it proposed in its licence re-application:

- All locally-made programming hours may be shared with the local commercial radio licences for Carmarthenshire, Pembrokeshire, Swansea and Bridgend, in addition to the South Wales licence.
- Local (i.e. Ceredigion) news must be provided at least hourly at peak-time on weekdays and Saturdays. This replaces the previous commitment to provide Welsh national news at least hourly during peak-time.
- Locally-made programming hours to be reduced from 21 hours per day (including breakfast and weekend breakfast) to seven hours per day during weekday daytimes, and four hours during weekend daytimes.

We have taken a preliminary view on the request and are minded to grant it. However, we are seeking views on the request before we make a decision. The consultation closes at **5pm on Friday 10 May 2019**.

## 2. Details and background information

- 2.1 The licence for each local analogue commercial radio service contains a ‘Format’ which describes the type of programme service the licensee is required to provide.
- 2.2 Licensees can make requests to Ofcom to change their Character of Service (‘Format change requests’) in accordance with their licence conditions and relevant statutory provisions.
- 2.3 Radio Ceredigion was launched in 1992, and the licensee (Radio Ceredigion Limited or ‘RCL’) has been owned by Nation Broadcasting Limited (formerly Town & Country Broadcasting Limited) since 2010. The licence has a Measured Coverage Area of 72,008 adults (aged 15+).
- 2.4 The current Ceredigion licence expires on 31 May 2019. The licence for Ceredigion was fully re-advertised by Ofcom in April 2018 because the licensee informed Ofcom that it did not wish to commit to the existing Format of Radio Ceredigion for the new licence term.
- 2.5 The re-advertised licence was awarded in December 2018 to the incumbent licensee (and sole applicant), RCL. RCL’s application was based on a proposal, for the new licence term, to replace the existing Radio Ceredigion service with a relay of the South Wales regional licence, Nation Radio, which is held by Nation Radio Limited which, like RCL, is owned by Nation Broadcasting Limited.
- 2.6 However, since the licence award was made, RCL has decided that it would instead prefer to continue broadcasting a service more closely aligned with the existing Radio Ceredigion service when the new Ceredigion licence commences on 1 June 2019.
- 2.7 RCL has therefore submitted a Format Change Request to Ofcom to amend the ‘Nation Radio (Ceredigion)’ Format it submitted for its successful licence re-application.
- 2.8 The ‘Character of Service’ drafted for the licence re-application was: *“A music station for Wales for a broad audience aged 15+”*.
- 2.9 The new Character of Service proposed by the Licensee is: *“A music station for Ceredigion for a broad audience aged 15+”*.
- 2.10 Other proposed changes to the Format are summarised in the table below:

	<b>Format submitted for licence re-application</b>	<b>Proposed Format variation</b>
<b>Locally-made hours</b>	At least 21 hours a day (must include breakfast and weekend breakfast).	At least 7 hours per day during daytime weekdays. At least 4 hours daytime Saturdays and Sundays.
<b>Studio location</b>	Wales	Ofcom approved area of Wales

<b>Programme sharing arrangements</b>	All programming shared with the South Wales licence.	All programming output may be shared with the South Wales licence or with the licences for Carmarthenshire, Pembrokeshire, Swansea and Bridgend, subject to satisfying the character of service requirements.
<b>Local news bulletins</b>	Welsh national news at least hourly during peaktime	At least hourly at peak-time weekdays and Saturdays. At other times, UK-wide, nations and international news should feature.

## Licence conditions and statutory framework

2.11 Conditions included in RCL’s licence pursuant to section 106(1A) of the Broadcasting Act 1990 (as amended) (the ‘Act’), provide that Ofcom may consent to a change of a Format (a departure from the character of the licensed service) only where we are satisfied that at least one of the following five statutory criteria is met:

- a) that the departure would not substantially alter the character of the service<sup>1</sup>;
- 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 the 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 (as defined in section 314 of the Communications Act 2003 (local content and character of services)).

2.12 Under section 106ZA of the Act, Ofcom is required to hold a public consultation on a proposed Format change unless criterion (a) or (e) is satisfied. Where criterion (b) is relevant in the context of a Format change request for a local radio service (as here), national or regional analogue commercial services, local DAB services or BBC services do not count as ‘relevant independent radio services’ (by virtue of section 106(7) of the Act).

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<sup>1</sup> The legislation requires Ofcom to have regard to the selection of spoken material and music in programmes when determining what the character of the service in question is.

Only local analogue commercial and community radio services are taken into account in considering whether the range of programmes would be narrowed.

2.13 The legislation leaves the decision as to whether to permit a change, even if one of the above criteria is satisfied, to Ofcom's discretion. There may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change, notwithstanding that one of the statutory criteria is met. We have set out on our website, criteria we use to help us judge whether a request of this kind should be approved.<sup>2</sup> We also take account of our general statutory duties, including:

- a) our principal duty to further the interests of citizens and consumers;
- b) our duty to secure the availability throughout the UK of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests (including specifically a range and diversity of local radio services), as well as the maintenance of a sufficient plurality of providers of different services; and
- c) our duty to have regard to the different interests of persons in the different parts of the UK, of the different ethnic communities within it and of persons living in rural and in urban areas.

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<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)

## 3. Consideration of the request and Ofcom's preliminary view

- 3.1 Annex 5 contains RCL's Format change request. The request has been made on the basis that criterion (a) and (b) of section 106(1A) of the Act are both met: that the proposed changes would not substantially alter the character of service, and would not narrow the range of programmes available by way of relevant independent radio services to persons living in Ceredigion.
- 3.2 For the reasons that follow, we are minded to grant RCL's request. We are seeking respondents' comments on our preliminary view.

### Preliminary view

#### Proposed change to the character of service and local news provision

- 3.3 We begin by noting that this is an unusual case in that the new licence, as re-awarded to RCL, has not yet come into effect, and the proposed change involves making the service more akin to the service which is currently provided by RCL (and will be until 31 May 2019). However, we are comparing the revised service with that which would have started broadcasting on 1 June 2019, rather than the Ceredigion service that exists at time of publication.
- 3.4 In Ofcom's preliminary view, the change to the character of service and commitment to providing local (Ceredigion area) news would substantially change the character of service that was proposed in RCL's licence re-application. This is because the service being proposed under the revised Format would be specifically for Ceredigion, with a commitment to providing local news at peak times. This represents a significant change from the Format submitted in RCL's licence re-application, which was to provide a relay of the South Wales regional licence, Nation Radio, with no specific commitment to providing local content for the Ceredigion area. On that basis, therefore, our view is that criterion (a) in section 106ZA is not met.
- 3.5 For the purposes of considering whether criterion (b) in section 106ZA is met, we first need to take account of the Formats of the other local analogue radio services broadcasting within the Ceredigion area.
- 3.6 The only other commercial radio station broadcasting to the majority of the Ceredigion area is Heart (North and Mid Wales), which has the following Character of Service: "*A full service mainstream popular music station for north and mid Wales, targeting primarily 25-54 year-olds, treating news, speech, information about Wales, sport and listener interactivity as important ingredients, and running 24-hour news.*"

3.7 A community station, Radio Aber, was awarded a licence to serve the Aberystwyth area in 2018, but has not yet started broadcasting. The Character of Service provided in the station's licence application was as follows:

*“Our primary target community will be locals living and working in our area of broadcast, with secondary target communities being the large student population and the tourist population. The main purpose of the service to connect outlying rural communities with the urban hub of Aberystwyth and vice versa, promote local business and increase support and communication between communities. Our primary activities will be to broadcast local content, include local people in the service, form a centre of communications between various rural environments, support the local music and arts scenes, and promote local business.”*

3.8 Our preliminary view of the request under criterion (b), that the departure would not narrow the range of programmes available in the area, is that the proposed change to the character of service and commitment to provide local (Ceredigion area) news bulletins would extend, rather than narrow, the range of programming available to listeners in the area. This is because the Ceredigion area is already served by a mainstream music station serving a wider geographical area (Heart Mid & North Wales), the Format of which requires that it *“treats news, speech, information about Wales as important ingredients.”* Therefore, in our view the continued presence of a radio station in the Ceredigion market that is required to provide local Ceredigion news and information (as is the case with the current Radio Ceredigion service) would increase the range of available programming to a greater extent than the ‘Nation Radio (Ceredigion)’ Format proposed in RCL’s licence re-application would have done.<sup>3</sup>

3.9 We recognise that Radio Aber, when it comes on air, will be required to provide locally-relevant material for the Aberystwyth area. However, the station will only cover the northern part of the county of Ceredigion, meaning it will not reach population centres in the south of Ceredigion, such as Cardigan and Newcastle Emlyn.

3.10 Therefore, our preliminary view is that, taken together, the proposed change to the character of service and the provision of local news bulletins would satisfy criterion (b).

3.11 As noted in paragraph 2.13, the Format change legislation leaves to Ofcom's judgement the decision as to whether to permit a change, even if one of the statutory criteria is satisfied (as is the case here, in our preliminary view). In our published Format change policy guidance,<sup>4</sup> we have stated that time elapsed since licence award is a relevant factor, as adaptation to audiences changing over time is understandable whereas a change soon after award may be inconsistent with the licensing process whereby stations define their own Formats in their licence application. We stated that we would “expect a stronger case

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<sup>3</sup> This aspect of RCL’s application was acknowledged by Ofcom in the Ceredigion post-award statement, available at <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/radio-broadcasters/formats-content> which stated that “The decision makers were also of the view that the proposed Nation Radio service would be less likely to broaden choice for listeners in the Ceredigion area than the current Radio Ceredigion service.”

<sup>4</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)

to be made for changes that are requested within two years of launch” and would be “unlikely to allow a complete change of character of a service within two years”.

- 3.12 However, we consider this request to be an exceptional case. Format change requests normally seek to broaden the output of a radio station in order to attract a wider audience, adapt to demographic change in order to focus on a slightly different audience, or to dilute or remove some of the original Format commitments made in the licence application. In this case, as already noted, RCL’s request seeks to make the service more geographically specific and more relevant to listeners in Ceredigion by providing local news and information. Importantly, key aspects of the ‘Character of Service’ drafted for the licence award remain unchanged, since the service will still be “*a music station for adults aged 15+*”. Rather, the change being sought by RCL relates to the size and nature of the station’s editorial coverage area, and not the target demographic or programming format of the service. Additionally, the Format change goes back to something more akin to the service currently being provided.
- 3.13 The proposed new Format is also significantly more consistent with Ofcom’s published localness guidance, which sets out the type of content (for example, local news) that we generally expect to be delivered by holders of a local radio licence.
- 3.14 Therefore, in considering the request against our published policy criteria, because of the exceptional circumstances we are not minded to reject this request on the basis of “the time elapsed since the licence was awarded.”

### **Other aspects of the Format change requested by RCL**

- 3.15 The Format changes requested by RCL with regard to co-location, programme sharing and locally-made hours are consistent with Ofcom’s published localness guidance, and as such would normally be approved without consultation on the basis that the localness guidance has already been subject to public consultation.
- 3.16 However, because in this instance these changes are directly linked to the proposed change to the character of service and the provision of local news, and because of our published policy criterion with regard to “the time elapsed since the licence was awarded” we are also consulting on these aspects of the request.
- 3.17 With regard to RCL’s request to broadcast locally-made programming hours from anywhere within the approved area of Wales, our preliminary view is that we are 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 Wales approved area. We considered this was essentially a technical request from the licensee to align the Format with Ofcom’s revised localness guidance, given that, under the Format drafted for the licence contest, RCL already had the flexibility to broadcast the service from anywhere in Wales.
- 3.18 We are minded to approve, under section 106(1A)(a), the changes proposed by RCL in relation to the number of locally-made hours, on the basis that the reduction in the number of locally-made hours would not substantially alter the character of the service.

This is because the proposed amount of locally-made programming hours and the amount of local news being provided would be consistent with our recently amended localness guidelines<sup>5</sup>, and because we would expect the licensee to provide a local service that includes, as well as the level of news specified in its Format, sufficient other local material to deliver the character of service, regardless of where the content is being broadcast from. In practical terms, it is likely that all of Radio Ceredigion’s output will continue to be broadcast from studios at St. Hilary in the Vale of Glamorgan. This is because the existing Radio Ceredigion licence was previously given permission by Ofcom to broadcast its locally-made programming from St. Hilary, which is also where Nation Radio broadcasts its programmes from. Therefore, given that the Format drafted by RCL for its licence re-application permitted it to share all programming hours with Nation Radio, and the studio location to be anywhere in Wales, the 21 hours per day of locally-made programming would have been broadcast from St. Hilary, and not from studios within the Ceredigion licence area.

- 3.19 We were also satisfied in relation to section 106(1A)(a) with regard to the request to share all local programming hours with either the South Wales (‘Nation Radio’) licence or, alternatively, all the other local stations in Wales owned by Nation Broadcasting in Wales. Again, this request is consistent with our localness guidelines, and we would expect the licensee to provide a local service that includes sufficient local material to deliver the required character of service.

## Conclusion

- 3.20 Accordingly, having reached the preliminary view that the requested changes to the character of service would not narrow the range of programmes available by way of relevant independent radio services to persons living in Ceredigion, and for the policy reason outlined, we are minded to consent to RCL’s request subject to the outcome of the consultation.

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<sup>5</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/radio-broadcasters/localness>

# A1. Responding to this consultation

## How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on Friday 10 May 2019.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/nation-radio-credigion>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [jon.heasman@ofcom.org.uk](mailto:jon.heasman@ofcom.org.uk), as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>). This email address is for this consultation only, and will not be valid after 10 May 2019.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Jon Heasman  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
  - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

A1.10 If you want to discuss the issues and questions raised in this consultation, please contact John Heasman on 020 7783 4509 or by email to [jon.heasman@ofcom.org.uk](mailto:jon.heasman@ofcom.org.uk).

## Confidentiality

A1.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), as soon as we receive them.

A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.

A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.

A1.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

## Next steps

A1.15 Following this consultation period, Ofcom plans to publish a statement later in May, prior to the expiry of the existing Ceredigion licence on 31 May.

A1.16 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

## Ofcom's consultation processes

- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.18 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

## A2. Ofcom's consultation principles

### Ofcom has seven principles that it follows for every public written consultation:

#### Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. 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

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 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 for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

#### After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

# A3. Consultation coversheet

## BASIC DETAILS

Consultation title: Nation Radio (Ceredigion) consultation

To (Ofcom contact): Jon Heasman

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

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? \_\_\_\_\_

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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)

## A4. Consultation questions

- A4.1 Ofcom is seeking views on this Format change request. Ofcom may consent to a departure from the character of the licensed service if we are satisfied that at least one of the criteria in Section 106 (1A) of the Broadcast Act 1990 (as amended) is satisfied in relation all aspects of the request. These criteria are set out on page 3 of this consultation document.
- A4.2 In light of the considerations set out in Section 3 of this document, we are minded to consent to a departure from the character of the re-awarded Ceredigion licence on the basis that criterion (b) in Section 106(1A) of the Broadcast Act 1990 (as amended) is satisfied in respect of the Format change request, and that there are no policy grounds on which to refuse the request.

### **Question 1:**

Respondents are invited to comment on whether they agree with Ofcom’s preliminary view and to frame their views and responses with reference to, or in the context of, the statutory criteria in section 106(1A) of the Broadcast Act 1990 (as amended).

## A5. Format change request from Radio Ceredigion Limited

<b>Date of request:</b>	29 March 2019
<b>Station Name:</b>	Radio Ceredigion / Nation Radio Ceredigion
<b>Licensed area and licence number:</b>	Ceredigion AL139
<b>Licensee:</b>	Radio Ceredigion Limited
<b>Contact name:</b>	Martin Mumford

### 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> A music station for Wales for a broad audience aged 15+
	<b>Proposed new Character of Service:</b> A music station for Ceredigion for a broad audience aged 15+
<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 programming shared with licence [Nation Radio (South Wales)] AL327 <u>Studio location</u> Wales
	<b>Proposed new arrangements:</b> <u>Programme sharing:</u> All programming output may be shared with Nation Radio (South Wales) AL327 or with the Carmarthenshire (AL 289) or Pembrokeshire (AL 272) or Swansea (AL 306) or Bridgend (AL257) licence subject to satisfying the character of service requirements above. <u>Studio location</u> Wales Approved area

<p><b>Locally-made hours and/or local news bulletins</b></p> <p><i>Complete this section if you are requesting a change to this part of your Format</i></p>	<p><b>Current obligations:</b></p> <p><u>Locally made hours</u> At least 21 hours a day (must include breakfast and weekend breakfast)</p> <p><u>Local news</u> Welsh national news at least hourly during peaktime</p>
	<p><b>Proposed new obligations:</b></p> <p><u>Locally made hours</u> <b>At least 7 hours per day during daytime weekdays.</b> At least 4 hours daytime Saturdays and Sundays.</p> <p><u>Local news</u> At least hourly at peak-time weekdays and Saturdays. At other times, UK-wide, nations 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.<sup>6</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>7</sup>

<sup>6</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>7</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)

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.**

This submission is based on section 106(1A) a and b.

Under section a) the format change allows the existing licensed service to continue. In these exceptional circumstances we believe 106(1A) a applies as we are opting to continue with a service which would significantly over-provide local material against the format agreed for the new license period.

Under 106(1A)b there is no narrowing of programming envisaged if Radio Ceredigion continues to broadcast.

As stated in our licence application, “The challenges for local radio broadcasters are significant, particularly in small, rural markets such as Ceredigion where there are real questions over the viability of maintaining localised services.”

Whilst we wish to maintain operational flexibility in one of the toughest markets in Wales, we also believe we can continue providing Radio Ceredigion to local listeners for the immediate future.

This flexibility requires a change of emphasis to the character of service to the originally submitted format and the permission to share output with Nation Broadcasting’s local stations in Wales.

We have aligned locally made programming hours and local news provision with the existing Radio Ceredigion service. This re-introduces a format obligation to provide local news for the Ceredigion area and therefore significantly over-provides locally relevant material against the format requirement in our application.

Given we were the sole applicant for this licence, we believe the change is not contentious, does not impact the statutory criteria under which the licence award was made and the immediate implication for local listeners is that they will notice no change to the existing Radio Ceredigion service.

With this revised format we would retain the ability to operate the Nation Radio service on the frequencies should market conditions significantly alter. We acknowledge that if this

format change is successful would then have to apply for a further format change if we wished to revert local hours and news provision back to those originally stated in our application for the renewal of the licence.

**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>8</sup> and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy.<sup>9</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>8</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>9</sup> Available at <http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>

## A6. Format of Nation Radio (Ceredigion) submitted for licence re-application

### NATION RADIO (CEREDIGION)

Licence number	AL139
Licensed area	Ceredigion
MCA population	72,088
Frequency	103.3, 96.6, 97.4 MHz

#### Character of Service

A MUSIC STATION FOR WALES FOR A BROAD AUDIENCE AGED 15+	
Service duration	24 Hours
Locally-made programming	<i>Studio location: Wales</i>
	<i>Locally-made hours: At least 21 hours per day (must include breakfast and weekend breakfast).</i>
	<i>Programme sharing: All programming shared with licence AL327.</i>
Local news	Welsh national news at least hourly during peak time.

#### 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:

<http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>

## A7. Other commercial and community radio stations in the Ceredigion licence area

### **Analogue commercial radio stations**

Heart (Mid and North Wales)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000329ba4heart.htm>

### **Analogue community radio stations**

Radio Aber (Aberystwyth)

Radio Aber has been awarded a licence to broadcast to the Aberystwyth area of Ceredigion. The station is not yet on air and its licence has yet to be granted, meaning that its 'Key Commitments' have not yet been issued. Its successful licence application, which includes details of its proposed programming commitments, is available at:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0018/106128/Radio\\_Aber\\_application.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0018/106128/Radio_Aber_application.pdf)