

## Analogue Commercial Radio Licence: Format Change Request Form

<b>Date of request:</b>	11 June 2020
<b>Station Name:</b>	Nation Radio
<b>Licensed area and licence number:</b>	Ceredigion AL102588
<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>
	<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>
	<b>Proposed new Arrangements:</b>
<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>  <i>Locally-made hours:</i>  <b>At least 21 hours per day (must include breakfast and weekend breakfast).</b>

	<p><b>Local news:</b></p> <p><b>No requirement for local news, but Welsh national news must be broadcast at least hourly at peak-time.</b></p>
	<p><b>Proposed new obligations:</b></p> <p><b>Locally-made hours:</b></p> <p><b>At least 3 hours per day during daytime weekdays</b></p> <p><b>Local news:</b></p> <p><b>No requirement for local news, but Welsh national news must be broadcast at least hourly during daytime weekdays and peaktime weekends.</b></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>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)

<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)

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 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 application is made under section a)

**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>**

This format change request is consistent with the latest Ofcom localness guidelines.

The award of this licence was made on the basis that the station could rebroadcast Nation Radio Wales 24/7.

This application brings Nation Radio Ceredigion in line with the recently granted changes to local hours and news provision on Nation Radio Wales.

### **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.

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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)

<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 Ceredigion held by Radio Ceredigion Limited ('RCL'), currently broadcasting as 'Nation Radio.'

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<sup>5</sup>. 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.'

RCL has requested the following changes to the Format of the Ceredigion licence:

- To reduce the required number of locally-made programming hours on weekday daytimes from 21 to three, and from four to none on weekend days.
- To increase the amount of Welsh national news broadcast, from at least hourly at peak-times to at least hourly during daytime weekdays and peak-time weekends.

These proposed changes 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

In considering the proposed change to the volume of locally-made hours, we were satisfied in relation to section 106(1A)(a) of the Broadcasting Act 1990 – that the change would not substantially alter the character of service. This is because the proposal is 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.

We were also satisfied that the proposed change to the volume of Welsh national news the service must provide would not substantially alter the character of service (section 106(1A)(a) of the Broadcasting Act 1990). Although the overarching Character of Service of Nation Radio in Ceredigion is to be "a music station for Wales for a broad audience aged 15+", we do not consider the introduction of additional news bulletins during the daytime to represent a substantial alteration to this overall character.

In terms of our policy criteria, for the same reason we judge the impact of the change on the character of the service to be low.

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<sup>5</sup> Although in the case of the Ceredigion licence which is the subject of this Format change request, the requirement is for Welsh national news rather than local news.

As its licence permits it to do, Nation Radio (Ceredigion) shares all of its programming with the service broadcast under the South Wales licence, Nation Radio, and this programming can be made from anywhere within the Ofcom approved area of Wales. In February this year, Ofcom approved a similar [request from the South Wales licensee](#) to reduce its locally-made programming hours from 21 per day to three per day on weekdays, and none at the weekend. However, given the nature of a previous Format Change Request approved by Ofcom in relation to the South Wales licence in 2017, we said in the February 2020 decision that Nation Radio “must continue to provide – as well as the increased level of local news that has been proposed – a high level of content specifically related to the nation of Wales”.

## Decision

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

*November 2020*