

Analogue Commercial Radio Licence: Format Change Request Form

Date of request:	24 May 2019
Station Name:	TFM
Licensed area and licence number:	Teesside AL105
Licensee:	TFM Radio Ltd
Contact name:	Peter Davies

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: A locally oriented contemporary and chart music and information station for 15-44 year-olds on Teesside
	Proposed new Character of Service: A locally oriented mainstream popular music and information station for 15-44 year-olds on Teesside
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:
	Proposed new arrangements:
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: At least 7 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.
	Proposed new obligations: At least 3 hours a day during daytime weekdays

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.¹

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 in 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.²

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).#

¹ Available at https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

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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 change to local hours and programme sharing are in line with Ofcom's localness guidelines. The change in wording of the music in the format is also in compliance with Ofcom guidelines. There is no intention to change the existing output of the station.
- 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 policy³ and also Ofcom's Localness guidance, which includes our co-location and programme sharing policy.⁴

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 for further information about how Ofcom handles your personal information and your corresponding rights

³ Available at https://www.ofcom.org.uk/_data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

⁴ 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 Teesside held by TFM Radio Ltd, currently broadcasting as 'TFM'.

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 all the licensed services involved in this request is North East England.

Following changes to [Ofcom's localness guidelines](#) published in October 2018, TFM Radio Ltd has requested the following change to the Format of the Teesside licence:

- To reduce the required number of locally-made programming hours on weekday daytimes from seven to three, and from four to none on weekend days.

Following [Ofcom's Review of music in radio Formats](#) published in June 2015, TFM Radio Ltd's parent company Bauer Radio has also requested the following change to the Format of the Teesside licence:

- To change its character of service from "a locally orientated contemporary and chart music and information station for 15-44 year-olds on Teesside" to "a locally orientated mainstream popular music and information station for 15-44 year-olds on Teesside".

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 request concerning locally-made hours, we were satisfied in relation to section 106(1A)(a) – that the reduction in the number of locally-made hours would not substantially alter the character of the service. This is because the proposed new amount of locally-made programming is consistent with our recently amended localness guidelines, and in addition because we would continue to 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.

With regard to the request concerning the character of service, we were satisfied in relation to section 106(1A)(a) – that the change would not substantially alter the character of service. This is because the proposed change is consistent with our review of music in radio Formats. We noted the request to change the character of service from "A locally oriented contemporary and chart music and information station for 15-44 year-olds on Teesside" to "A locally oriented mainstream popular music and information station for 15-44 year-olds on

Teesside”. Our 2015 [Review of music in radio Formats](#) stated that licensees wanting to change their music Format from genre descriptions including ‘Contemporary Hit Music’ and ‘Chart Music’ to ‘mainstream popular music’ would not be considered to be a change to the character of service and could be approved without the need for the request to be considered in accordance with the statutory Format change process.

As a matter of [general policy](#), we are content to approve Format change requests relating to locally-made programming and programme sharing which are consistent with our published localness guidelines on these matters. We are also content to approve requests relating to characters of service which are consistent with our review of music in radio Formats.

Decision

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

July 2019