



Analogue Commercial Radio Licence: Format Change Request Form

Date of request:	2 August 2016
Station Name:	Swansea Bay Radio
Licensed area and licence number:	Swansea (AL 306)
Licensee:	Swansea Bay Radio Limited
Contact name:	Martin Mumford

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: n/a
	Proposed new Character of Service: n/a
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: Programme sharing: All programmes may be shared with licence AL257
	Proposed new arrangements: All programmes may be shared with licences AL257, AL306, AL289, AL272, AL139
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: n/a
	Proposed new obligations: n/a

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:

These proposals are in line with section 106 (1A)

(a) The character of the station will be maintained. Using 'split' broadcast technology the service will continue to deliver local news and other local information independently of other services sharing programming.

(e) All the licences proposed to share programmes are located in the West Wales approved area, bar AL139, which has long-standing co-location and programme sharing arrangements already in place with two of the four other licenses.

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/>).

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

Background to the Decision

Swansea Bay Radio Ltd, the licensee of Swansea Bay Radio, has made a request for this service to share its local programming hours with Radio Carmarthenshire, Radio Pembrokeshire and Radio Ceredigion. It already has permissions to share local programming hours with Bridge FM. All five licences are owned by Nation Broadcasting Ltd.

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"¹. The "approved area" relating to Swansea Bay Radio, is the West Wales Approved Area.

This request would change the character of service as set out in Swansea Bay Radio's Format, 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 above).

¹ <https://www.ofcom.org.uk/consultations-and-statements/category-1/radio/statement>

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 criteria².

Decision

Programme share with Radio Carmarthenshire and Radio Pembrokeshire

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 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 that those programmes will continue to be made wholly or partly at premises within the West Wales Approved Area.

Ofcom has previously said that we are likely to consent to co-location/and or programme sharing requests where the stations concerned are located in the same Approved Area, provided we are satisfied that the stations involved will continue to provide local material relevant to the listeners in their individual licensed areas.

In this case, the key local material strands – local news, weather and what’s on information – will continue to be delivered on a bespoke basis for each station.

Programme share with Radio Ceredigion

We first considered whether the request from Swansea Bay Radio satisfied any of the statutory criteria set out above.

We noted that the music output on Swansea Bay Radio would remain the same, given that – outside of some specialist output – Nation Broadcasting’s five local services in western Wales already share a common music library (albeit that the actual scheduling of the tracks varies between station).

Importantly, the key local material strands – local news, weather and what’s on information – will continue to be delivered on a bespoke basis for each station.

For these reasons, we concluded that the proposed changes would not substantially alter the character of the service, and therefore were satisfied in relation to section 106(1A)(a).

We were also satisfied that the request to share programmes between Swansea Bay Radio and Radio Ceredigion was consistent with Ofcom’s policy criteria (see the Radio Ceredigion programme sharing request for further details of this decision).

Ofcom therefore decided to approve this Format change request because it was satisfied in relation to one of the relevant statutory criteria, and for the policy reasons outlined.

November 2016

² https://www.ofcom.org.uk/_data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf