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## **Kiss (East of England)**

Request to change Format

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**CONSULTATION:**

Publication Date: 16 March 2023

Closing Date for Responses: 13 April 2023

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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. Formats may include requirements relating to a station's music output, news provision, other types of speech content, its target audience, the volume and origin of locally-made programmes, and any programme sharing arrangements. Taken together, these elements encapsulate the nature and overall character of a licensed service.

When a request to change a Format constitutes a significant departure from the character of service, the request is subject to consultation. This document outlines the request received from Bauer Radio Limited with regard to its regional commercial radio broadcasting licence for the East of England, under which it currently broadcasts 'Kiss,' and Ofcom's preliminary view on the request to change the character of service.

## What we are proposing

Bauer Radio Limited holds the regional FM licence for the East of England, under which it broadcasts its national 'Kiss' service on all four transmitters – 105.6 MHz (Cambridge); 106.1 MHz (Norwich); 106.4 MHz (Ipswich) and 107.7 MHz (Peterborough).

Bauer wishes to continue broadcasting Kiss on the 106.1 MHz Norwich transmitter (serving Norfolk), but wants to replace Kiss with a different service, 'Greatest Hits Radio', on the three other transmitters (note that in Norfolk, Greatest Hits Radio is already available to listeners on the FM band via other FM licences).

In order to do this, Bauer has requested a change to the Format of the East of England licence such that the character of service applicable to the programming output broadcast on the Cambridge, Ipswich and Peterborough transmitters would change from:

*"A contemporary and classic dance music station primarily for under-30s. Identifiable specialist music features for at least six hours per week."*

to:

*"A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, local news and information appealing to 25-54 year-olds."*

Under Bauer's request, the character of service applicable to the programming provided on the Norwich (106.1 MHz) transmitter under this licence would remain unchanged.

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 13 April 2023**.

## 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. Part of that Format is a section describing the ‘Character of Service’ of the station.
- 2.2 Licensees can make requests to Ofcom to change their Formats (‘Format change requests’), including the ‘Character of Service’, in accordance with their licence conditions and relevant statutory provisions.
- 2.3 Bauer Radio Limited (‘Bauer’), has submitted a Format change request to Ofcom which, if approved by Ofcom, would result in different programme services being carried on the four FM transmitters which comprise this licence. Given that local analogue commercial radio licences normally carry the same programme service on all transmitters, this is an unusual request, but there are long-established precedents elsewhere for this type of arrangement (namely the South Hampshire FM licence, under which Heart and Capital are broadcast on different transmitters, and the Northern Ireland FM licence, under which Downtown Radio and Cool FM are broadcast on different transmitters).
- 2.4 If Bauer’s request were to be approved by Ofcom, the 106.1 MHz (Norwich) transmitter, which serves Norfolk, would continue to broadcast ‘Kiss’ under the following ‘Character of Service’: *“A contemporary and classic dance music station primarily for under-30s. Identifiable specialist music features for at least six hours per week.”*
- 2.5 The Kiss service broadcast on this transmitter would continue to be an ‘approved’ version of the service<sup>1</sup> with no local content or locally-made programming hours required.
- 2.6 However, under Bauer’s proposals, the ‘Character of Service’ for the programme service broadcast by the other three transmitters would change to: *“A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, local news and information appealing to 25-54 year-olds.”* This programme service would broadcast as ‘Greatest Hits Radio’.
- 2.7 The transmitters carrying Greatest Hits Radio would therefore be:
- Cambridge – 105.6 MHz
  - Ipswich – 106.4 MHz
  - Peterborough – 107.7 MHz
- 2.8 Unlike the current Kiss service, Bauer is proposing that the new Greatest Hits Radio service in each of these three areas would provide local material (i.e. locally-relevant content) and locally-made programming, including the provision of hourly local news bulletins from 06.00 to 19.00 on weekdays and at weekend late breakfast.

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<sup>1</sup> An “Approved Version of the Service” for the purposes of this licence is one that corresponds to the national Kiss service carried on the national Digital One multiplex.

## Licence conditions and statutory framework

- 2.9 Conditions included in the 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>2</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;
  - 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).
- 2.10 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.
- 2.11 In relation to criterion (b), national and any other analogue commercial services which are not licensed to serve the same area(s) as the service in question, local DAB services and BBC services do not fall within the definition of ‘relevant independent radio services’ (by virtue of section 106(7) of the Act). Accordingly, only local analogue commercial and community radio services available in the same area(s) as the service in question are taken into account in considering whether the Format change requested would narrow the range of programmes available.
- 2.12 The legislation leaves the decision as to whether to permit a change, even if one of the above statutory criteria is satisfied, to Ofcom’s discretion. There may be reasons, depending on the particular circumstances of the case, why Ofcom may decide not to consent to a proposed change even though we are satisfied in relation to one of the statutory criteria. We have set out on our website, [factors we use to help us judge whether](#)

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<sup>2</sup> The legislation requires Ofcom to have regard to the selection of spoken material and music in programmes when determining the character of the service in question.

a request of this kind should be approved. 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.

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

- 3.1 The Format change requested by Bauer in relation to the East of England licence is the subject of this consultation. It has been made on the basis that criterion (d) of section 106(1A) of the Act is met: 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. As noted above, Ofcom has the discretion to consent to a change request where section 106(1A)(d) is met.
- 3.2 For the reasons that follow, we are minded to consent to Bauer Radio’s request. We are seeking respondents’ comments on our preliminary view.

### Preliminary view

#### Statutory criteria

- 3.3 In Ofcom’s preliminary view, the Format change requested by Bauer Radio would significantly alter the character of the service in relation to the nature of the station’s programming and target audience on three out of the four transmitters covered by this licence. The change would replace a contemporary and classic dance music station aimed at under 30s with an older-targeted service aimed at 25-54 year-olds which plays classic pop and rock hits of the 70s, 80s and 90s (and no current music).
- 3.4 On that basis, we do not consider that criterion (a) in section 106(1A) is met, and criterion (e) in section 106(1A) is not relevant to this request as the request does not relate solely to the location where programmes are made.
- 3.5 Since we are not proceeding on the basis of criterion (a) or (e) being met, Ofcom is therefore consulting on the Format change request in accordance with section 106ZA.
- 3.6 In its request, Bauer has argued that Ofcom should be satisfied under statutory criterion (d) – 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.
- 3.7 Bauer has not sought to argue that Ofcom should be satisfied in relation to either subsections (b) or (c) of section 106(1A). For completeness, based on the information available to us, we do not consider that we could be satisfied under either of these statutory criteria. In relation to (b), a change from Kiss to Greatest Hits Radio in each of Cambridge, Ipswich and Peterborough would in our view quite clearly narrow the range of programmes available by way of relevant independent radio services to persons living in those areas. As can be seen by looking at the Formats of the other analogue services in those markets (see Annex 6), Greatest Hits Radio is likely to have a far greater overlap with existing services than Kiss does.

- 3.8 We have therefore focused our preliminary view, and this consultation, on whether we think Bauer’s request satisfies statutory criterion (d) and whether, if it does, it would be appropriate for Ofcom to exercise its discretion to approve the request.
- 3.9 In requesting the change under criterion (d), Bauer Radio has submitted audience analysis from RAJAR<sup>3</sup> and original market research conducted among respondents living within the areas that would be affected by the proposed change.
- 3.10 In its analysis of RAJAR’s audience figures, Bauer Radio notes that, since the start of 2017, weekly hours of listening to Kiss in the East of England have fallen by 62%, with weekly reach falling from 450,000 adults in Q4 2017 (a 21% weekly reach and a 6.3% share of listening), to 173,000 adults in Q3 2022 (an 8% weekly reach and a 1.8% share of listening).
- 3.11 The consumer research for Bauer Radio’s request was conducted by market research company Kantar in November 2022. The objective of the research was to measure the comparative appeal of the two Format descriptions - the Kiss ‘contemporary and classic dance music’ format, as set out in its current licence, versus the ‘Greatest Hits Radio’ format description supplied by Bauer Radio. No station names were attached to the Format descriptions.
- 3.12 The total sample comprised 300 adults aged 16+ in three separate areas – namely Peterborough, Suffolk and Cambridge. This was designed to replicate the transmission areas in which Bauer is requesting to make the change from Kiss to Greatest Hits Radio.
- 3.13 Due to small sampling sizes in each of the three areas, there were no fixed demographic quotas reflecting the population make-up of the areas, although Bauer stated the results were weighted to TGI<sup>4</sup>. The survey did not ask respondents in detail about their current listening behavior, beyond how frequently they usually listen to the radio.
- 3.14 The results of the survey are set out by Bauer Radio in its Format Change Request to Ofcom, reproduced at Annex A5. It argues that the results of the research show that, in the three areas it surveyed, there is a significantly greater demand for the proposed new Greatest Hits Radio format compared to the existing Kiss format. In particular, it highlighted that 60% of the overall sample said they would listen to the definition shown to them which can be attributed to the Greatest Hits Radio format at least once per week, compared to 39% who said they would listen to the definition which would be attributed to the Kiss format.
- 3.15 In assessing the survey research evidence provided by Bauer, we were conscious of the fact that there were no quotas reflecting the population make-up of the areas surveyed, and that weighting was instead applied to the sample. In particular, the data indicates an over-representation in the sample of ABC1 listeners and younger listeners aged under 34 than would be typically representative of this area, although we recognise that the latter could

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<sup>3</sup> Radio Audience Joint Audience Research Limited

<sup>4</sup> TGI (Targeted Group Index) is a consumer survey completed by around 26,000 UK adults. Although Bauer states the sample was weighted to TGI, there appears to be a greater skew towards 25-34 year olds than population figures in this area indicate, as well as a lower proportion of those aged over 55.

potentially have caused the appeal of the Kiss format in the survey results to be over-stated rather than under-stated.

- 3.16 We also had some concerns about the way the station formats were presented to the respondents. In particular, we noted that the format description for Kiss (“A contemporary and classic dance music station appealing to under 30s”) was lacking in detail, for example by not including the commitment that “Identifiable specialist music features for at least six hours per week” which is contained in the Ofcom licence. The description of Greatest Hits Radio format<sup>5</sup> was more detailed, and therefore potentially more attractive, and included a direct reference to a nationally-known presenter (Simon Mayo). In addition, the research did not take any account of the appeal of other station formats available in these local radio markets which may attract listeners away from either (or both) of these two formats.
- 3.17 Despite these shortcomings, we accept that the market research demonstrated that, given a choice between the two programme formats, there was evidence of a clear preference among listeners in Suffolk, Cambridge and Peterborough for the ‘Greatest Hits Radio’ format, and that it would be likely to appeal to a broader range of demographics than the current ‘Kiss’ format.
- 3.18 In our view, the survey findings were also supported by Bauer’s analysis of RAJAR audience figures. Although the comparison is not a perfect one due to the slightly different range of FM services available in the various local radio markets covered by the East of England licence, we note that where Greatest Hits Radio already broadcasts on FM in parts of the East of England licence area, it has a weekly audience reach of 13% (Norwich licence), 17% (North Norfolk licence) and 19% (Great Yarmouth & Lowestoft licence)<sup>6</sup>. Based on this evidence, we think that it is reasonable to conclude that Greatest Hits Radio, particular given its wider demographic target than Kiss, would also be likely to obtain a higher weekly audience reach than Kiss in the other parts of the East of England licence area.

## Policy criteria

- 3.19 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).
- 3.20 In considering this request in relation to our [published policy criteria](#) on Format changes, we accept that the extent of the impact of the change on the character of the service for listeners in Suffolk, Cambridge and Peterborough areas would be very substantial. The views of listeners and stakeholders we receive in response to this consultation will therefore be fully taken into account in reaching our final decision on whether or not to approve the change.

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<sup>5</sup> “A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, local news and information appealing to 25-54 year-olds (presented by well-known names such as Simon Mayo).”

<sup>6</sup> Source: RAJAR Q3 2022

- 3.21 Our policy guidance states that the time which has elapsed since a licence was first awarded is a relevant factor, as a licensee’s need to adapt 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. The service provided under this East of England FM licence launched (as dance station Vibe FM) over 25 years ago, in November 1997. Ofcom recognises that audiences change over time, and that, consequently, stations need to adapt in parallel.
- 3.22 We also do not consider, on a preliminary basis and subject to any responses we receive to the consultation, that there are any other policy reasons for us not to approve this request.
- 3.23 Accordingly, having reached the preliminary view 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, and that there are no policy reasons for refusing the request, we are minded to consent to Bauer Radio’s request subject to the outcome of this consultation.

# 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 Thursday 13 April 2023**.
- A1.2 You can download a response form. 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](#).
- A1.4 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.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).
- A1.6 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.
- A1.7 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.
- A1.8 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.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Jon Heasman at [jon.heasman@ofcom.org.uk](mailto:jon.heasman@ofcom.org.uk) .

## Confidentiality

- A1.10 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 [the Ofcom website](#) as soon as we receive them.

- A1.11 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.
- A1.12 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.
- A1.13 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 in our [Terms of Use](#).

## Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in December.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

## Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 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.
- A1.18 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: Kiss (East of England) 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 question

- 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 Ofcom is satisfied that at least one of the criteria in Section 106 (1A) of the Broadcast Act 1990 (as amended) is satisfied in relation to each request. These criteria are set out on page 4 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 service on the basis that criterion (d) in Section 106(1A) of the Broadcasting 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 Broadcasting Act 1990 (as amended), and in particular statutory criterion (d).

## A5. Format change request from Bauer Radio

<b>Date of request:</b>	31 January 2023
<b>Station Name:</b>	Kiss
<b>Licensed area and licence number:</b>	East of England AL208
<b>Licensee:</b>	Bauer Radio Ltd
<b>Contact name:</b>	Peter Davies

### 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 contemporary and classic dance music station primarily for under-30s. Identifiable specialist music features for at least 6 hours per week.
	<b>Proposed new Character of Service:</b> <u>Norfolk:</u> <b>Kiss:</b> No change <u>Cambridgeshire, Suffolk, and Peterborough:</u> <b>Greatest Hits Radio:</b> A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, local news and information appealing to 25-54 year-olds
<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> All programming may be shared between the services provided under the licences for the East of England (AL108), the Severn Estuary (AL167) and London (AL053), provided that the service broadcast under each licence is an Approved Version of the service and complies with the character of service described above.
	<b>Proposed new arrangements:</b> All programming for Cambridgeshire, Suffolk and Peterborough may be shared with other stations in the East of England. Programming for Norfolk may be shared between the services provided under the licences for the East of England (AL108), the Severn Estuary (AL167) and London (AL053), provided that the service broadcast under each licence is an

	<p>Approved Version of the service and complies with the character of service described above.</p>
<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><b>Locally-made hours:</b> At least 7 hours a day during daytime weekdays (must include breakfast), and at least 4 hours daytime Saturdays and Sundays, unless the service broadcast under the licence is an Approved Version of the service, in which case no programming need be locally-made.</p> <p><b>Local news:</b> At least hourly at peak-time weekdays and weekends, unless the service broadcast under the licence is an Approved Version of the service, in which case news bulletins, some of which may be local, will be broadcast at least hourly at peak time weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.</p> <hr/> <p><b>Proposed new obligations:</b></p> <p><b>Locally-made hours:</b> At least 3 hours a day during daytime weekdays, unless the service broadcast under the licence is an Approved Version of the service, in which case no programming need be locally-made.</p> <p><b>Local news:</b> At least hourly during daytime weekdays and weekend peak-time, unless the service broadcast under the licence is an Approved Version of the service. Outside peak, UK-wide, nations and international news should feature</p> <p>An “Approved Version of the Service” for the purposes of this Licence is one that corresponds to the Kiss service (provided under national digital sound programme licence no. DN011) carried on the Digital One multiplex (licence no. DM001).</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>7</sup>

<sup>7</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)

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>8</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.**

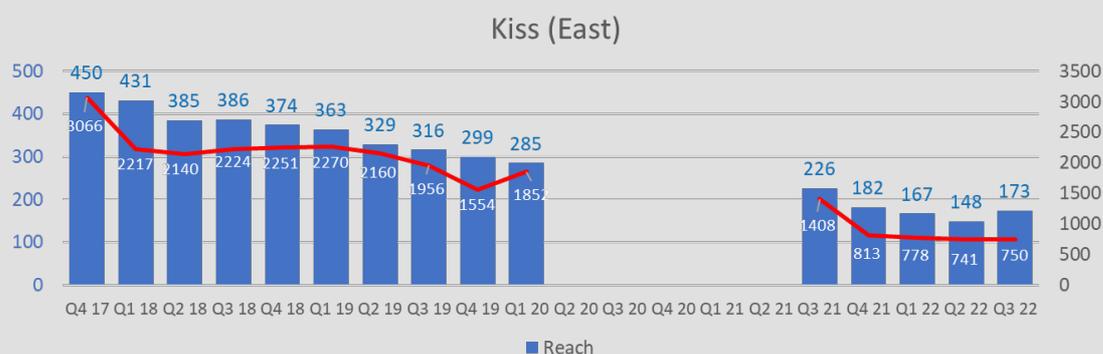
This request is made under section 106(1A) criteria d – that there is evidence of significant demand for the change - and e – that programmes would continue to be made within the approved area (where required).

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<sup>8</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)

Kiss (East) currently carries the national service of Kiss, simulcast on the Digital One national multiplex. The service uses four transmitters; one each for Norfolk, Suffolk, Cambridge and Peterborough.

The audience for Kiss in the region has been in decline in recent years. Since the start of 2017 total hours of listening have fallen by 62%. In the latest Rajar (Q3 22) the station had a reach of 8.0% (173,000).



Only 32.6% of that audience (56,000) was on FM, with the bulk of listening being on DAB, supplemented by IP and DTV.

The highest reach is in the Norfolk area (9.6% reach) and the lowest in Cambridgeshire (2.3%).

Greatest Hits Radio (GHR) is available on FM in Norfolk and on DAB in Suffolk, Cambridgeshire and Peterborough (until the end of September 2022 it was also available on FM in the eastern half of Suffolk).

Where GHR is available on FM its reach is significantly higher than where it is only on DAB:

Area	Platform availability	pop	Reach 000s	Reach %	Hrs/List	Hours 000s
North Norfolk	FM & DAB	82	14	17%	7	98
Norwich	FM & DAB	508	68	13%	8.6	589
Gt Yarmouth	FM & DAB	181	35	19%	9.2	318
Norfolk	FM & DAB	771	117	15%	8.6	1005
Suffolk	Partial FM & DAB	309	33	11%	10.8	355
Cambridge	DAB	527	25	5%	8.4	214
Peterborough	DAB	275	6	2%	7.4	48
<b>TOTAL</b>		<b>1882</b>	<b>181</b>	<b>10%</b>	<b>9.0</b>	<b>1622</b>

Although the station has been building audience rapidly across the UK, in Suffolk we expect the audience to decline in the next Rajar as the service is no longer on FM.

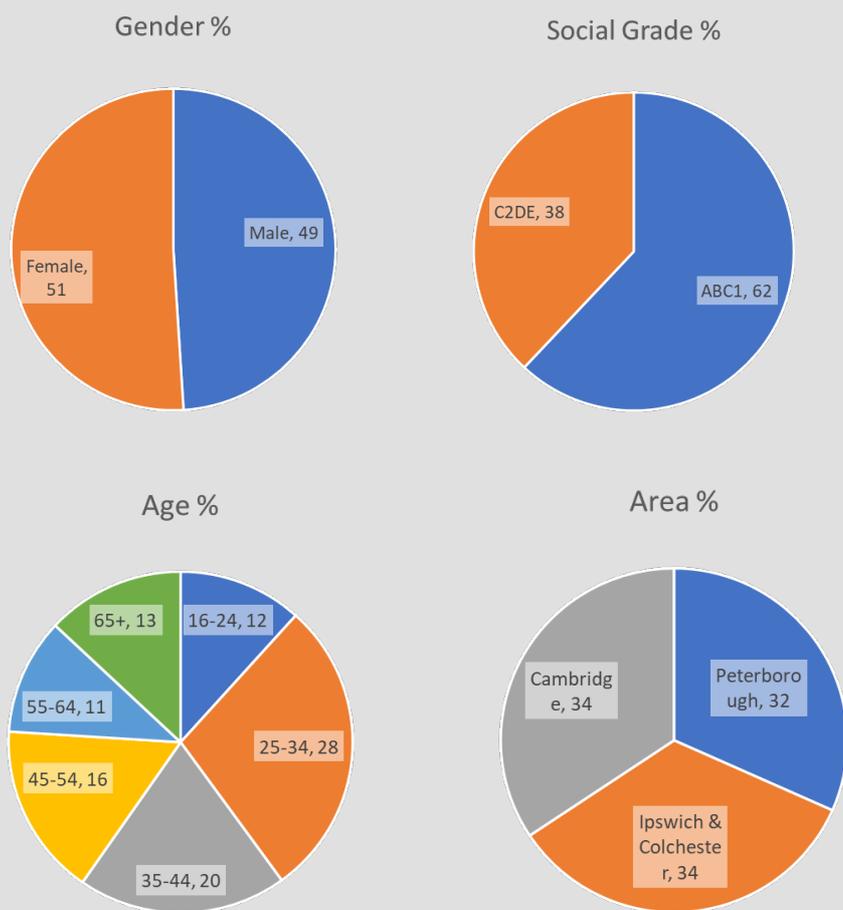
By making GHR available on FM across the whole of Suffolk and in Cambridgeshire and Peterborough the evidence suggests the audience would increase significantly. We would expect that in due course it would reach the same levels already achieved in Norfolk of around 14% reach. This is around double the audience that Kiss is currently achieving on all platforms in the region (and of course Kiss would still be available on DAB, IP and DTV).

The transmitters for Suffolk, Cambridgeshire and Peterborough would each carry local news and information for their areas – something currently not provided by Kiss and an element of

programming that repeated research has demonstrated is highly valued by listeners. (In Cambridgeshire and Peterborough where DAB currently carries the national service, this would be replaced by the localised versions). The GHR services would all carry the 3-hour a day regional programme on weekdays.

In Norfolk, where Kiss is currently more popular than the rest of the region and where GHR is already provided on FM the existing national version of Kiss would remain on FM.

Further to this in November 2022 we commissioned Kantar to carry out research among 300 respondents aged 16+ in three separate areas: Peterborough, Suffolk and Cambridge.



The sample was based on best efforts with no set fixed quotas due to the small sampling areas, but was weighted to TGI.

Respondents were asked: “How often, if at all, would you listen to a radio station like this?” The order of descriptions was randomised and stations names were omitted.

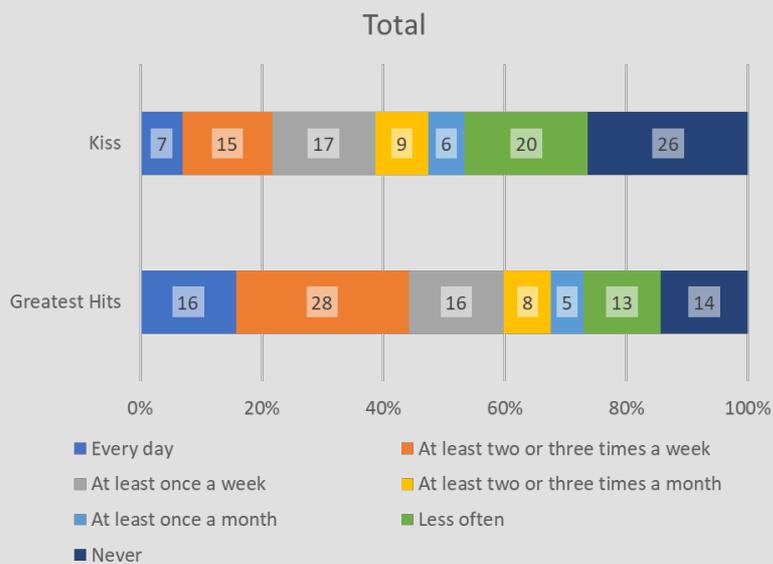
**Greatest Hits:** A station playing classic pop and rock hits of the 70s, 80s and 90s with specialist features, local news and information appealing to 25-54 year-olds (presented by well-known names such as Simon Mayo)

**Kiss:** A contemporary and classic dance music station appealing to under 30s

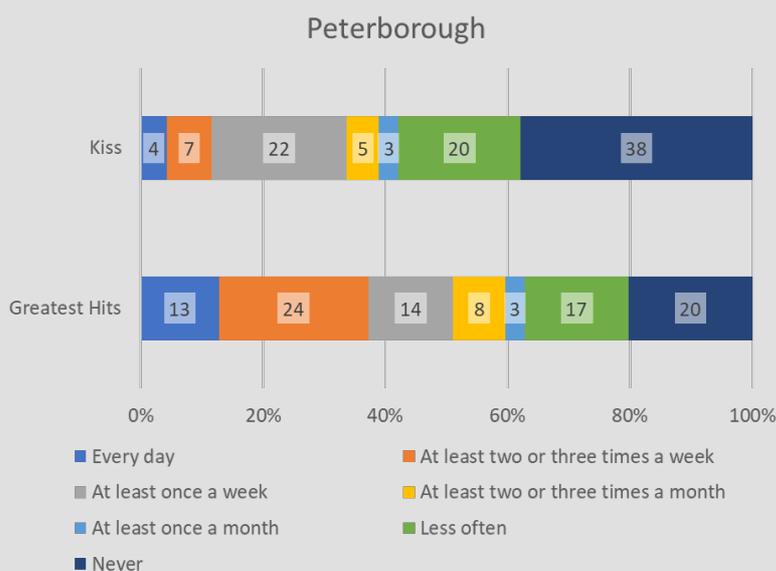
**Permitted responses**

- Every day
- At least two or three times a week
- At least once a week
- At least two or three times a month
- At least once a month
- Less often
- Never

Over the area as a whole, 60% of the total sample said they would listen at least weekly to a station like the Greatest Hits format description compared to 39% for a station like the Kiss format description.

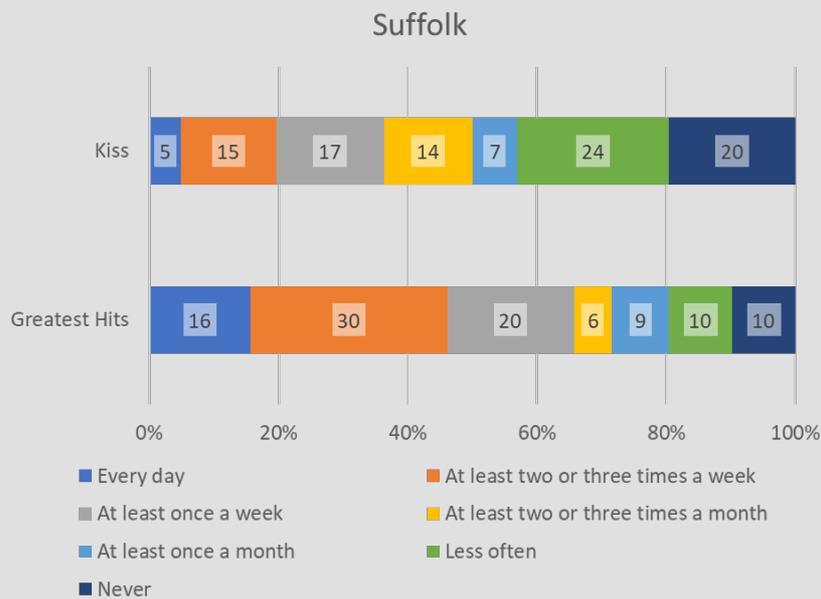


In Peterborough, intended weekly listening to the Greatest Hits format was 51% and 33% for Kiss.

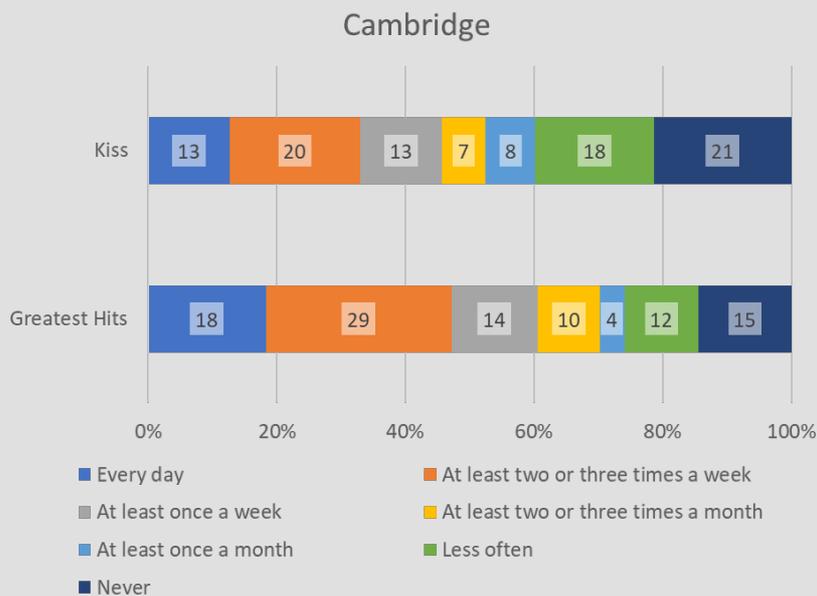


**Kiss (East of England) – Request to change Format**

In Suffolk, 66% said they would listen at least weekly to a station like the Greatest Hits format description compared to 37% for a station like the Kiss format.



In Cambridge, intended weekly listening for the Greatest Hits format was 61% while it was 46% for Kiss.



This research demonstrates that the demand for a station with the Greatest Hits Radio format is higher than that for a station with the Kiss format in all three areas where we are requesting a change.

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>9</sup> and also Ofcom’s Localness guidance, which includes our co-location and programme sharing policy.<sup>10</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>9</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>10</sup> Available at <http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>

## A6. Other commercial and community radio stations in the East of England licence area

The following is a list of other local analogue (i.e. AM and FM) services broadcasting within, or to a significant part of, the East of England licence area. Links are provided to their Formats (commercial stations) or Key Commitments (community stations).

### Commercial radio stations

[Gold \(Peterborough\)](#)

[Greatest Hits Radio \(Great Yarmouth & Lowestoft\)](#)

[Greatest Hits Radio \(North Norfolk\)](#)

[Greatest Hits Radio \(Norwich\)](#)

[Heart \(Cambridge & Newmarket\)](#)

[Heart \(Ipswich & Bury St. Edmunds\)](#)

[Heart \(Norwich & Great Yarmouth\)](#)

[Heart \(Peterborough\)](#)

[Nation Radio \(Ipswich\)](#)

[Smooth Radio \(Ipswich & Bury St. Edmunds\)](#)

[Smooth Radio \(Peterborough\)](#)

[Smooth Radio \(Norwich & Great Yarmouth\)](#)

[Star Radio \(Cambridge & Ely\)](#)

### Community radio stations

[Cam FM \(Cambridge\)](#)

[Cambridge 105 FM \(Cambridge\)](#)

[Felixstowe Radio \(Felixstowe\)](#)

[Future Radio \(Norwich\)](#)

[Harbour Radio \(Great Yarmouth\)](#)

[ICR FM \(Ipswich\)](#)

[Park Radio \(Diss\)](#)

[Peterborough Community Radio \(Peterborough\)](#)

[RWS FM \(Bury St. Edmunds\)](#)

[Radio Caroline \(Suffolk\)](#)

[Salaam Radio \(Peterborough\)](#)

[Zack FM \(Forest Heath, West Suffolk\)](#)