



104.9 Imagine FM (Stockport)

Request to Co-Locate the station at Warrington

Consultation

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Section 1

Summary

- 1.1 Ofcom has received a request from UTV to co-locate Imagine FM, the commercial station for the Stockport area, at premises in Warrington, which already houses three other local stations (102.4 Wish FM covering Wigan and St Helens, 107.2 Wire FM covering the Warrington and Widnes area, and Tower FM covering the Bolton area). UTV's request is attached as Annex 5. The station Format is attached as Annex 6.
- 1.2 Ofcom has published guidelines with regard to criteria that will be considered when stations request co-location. They are attached as part of the Background in Section 2.
- 1.3 The guidelines were drawn up to take into account the pressures on smaller stations operating stand-alone services when cost-sharing with a neighbouring station might alleviate some of the pressure. The guidelines were designed to restrict co-location arrangements to those where any move would appear, as it were, a "natural fit" and not disenfranchise the listener. Hence they involve the distance between areas, cultural affinity, size of station and financial issues.
- 1.4 UTV's request involves a station with a measured Coverage Area of 463,000. The guidelines indicate that there is likely to be a stronger case for co-location where one of the stations has a licensed area with a population of fewer than 250,000, but Ofcom has agreed to look at requests to co-locate larger stations in exceptional circumstances.
- 1.5 As stated in the Future of Radio – The Next Phase consultation (3.74) in November last year, co-location requests are considered against the criteria in the guidelines and against the statutory criteria relating to Format changes (as a change to the place of production of programmes to somewhere outside the licensed area requires a Format change).

Ofcom has the ability to consent to such changes under conditions included in the 104.9 Imagine FM licence, in accordance with Sections 106 (1A) of the Broadcasting Act 1990 if it is satisfied that at least one of the following criteria is satisfied:

(a) The departure would not substantially alter the character of the service

(b) The change would not narrow the range of programmes available in the area by way of relevant independent radio services

(c) The change would be conducive to the maintenance or promotion of fair and effective competition or

(d) There is evidence that, amongst persons living in the affected areas, there is a significant demand for, or significant support for, the change.

- 1.6 In this case, Ofcom regards the change to the characters of service as substantial. This is because the area covered is considerably larger than the indicative figure

(250,000 or fewer) given in the guidelines, Therefore, Ofcom has commissioned a public consultation.

- 1.7 UTV's submission in support of its application for co-location is at Annex 5. UTV has also provided Ofcom with some additional financial information in confidence.
- 1.8 The consultation question is at Annex 4 and asks whether Ofcom should agree to the request as outlined.

Section 2

Background

- 2.1 Ofcom's Co-Location Guidelines were published last year following consultation and form part of Ofcom's general Localness Guidelines :

Stations can apply for co-location; in deciding whether to allow co-location, the sort of factors Ofcom may take into account are:

- *Size of station: there may be stronger case for co-location and/or programme sharing where at least one of the stations has a licensed area with a population of fewer than 250,000, and especially those under 100,000, although we would not rule out requests from larger stations in exceptional circumstances.*
- *Distance and affinity between the areas: there is likely to be a stronger case for co-location where the stations concerned are not too far apart geographically and are able to demonstrate a cultural affinity between the two areas.*
- *Financial: there may be a stronger case for co-location where stations can demonstrate that co-location is required to ensure the financial viability of the stations concerned.*

However, there may be other factors to be taken into account, and Ofcom will treat each co-location request on a case-by-case basis. Ofcom does not rule out allowing co-location for larger stations in exceptional circumstances.

- 2.2 Co-location should not be confused with programme sharing. Stations may make a request to share programming, but agreement to co-location does not in itself signify agreement to share programmes beyond already agreed limits. UTV are making no requests to share extra programming.

- 2.3 A number of stations have successfully requested co-location in the past. These include the two Yorkshire Coast Radio stations (in Scarborough and Bridlington), the two Trax FM stations (in Doncaster and Bassetlaw), Bridge FM in Bridgend at Swansea Bay Radio, CN Radio's Rugby and Coventry stations at Honiley, and, indeed, UTV's Tower FM, which is co-located with Wish FM and Wire FM. Other stations have requested co-location as part of the process by which Ofcom is revising Formats across the commercial radio board. The results of these requests will be published in due course once all formats are agreed. None raise the issues raised within this request from UTV. In this case, Ofcom regards the change to the character of service as substantial. This is because the area covered by the station involved is considerably larger than the guidelines indicate to be ideal, and the cultural affinity between the two areas (Stockport and Warrington) is not obvious. Therefore, Ofcom has commissioned a public consultation.

- 2.4 Ofcom's policy in respect of Format change is set out with paragraphs 2.38 to 2.46 of the Radio Review statement published last year, and available at :

http://www.ofcom.org.uk/consult/condocs/radio_reviewp2/statement.pdf

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 1 May 2008**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/imagineformat/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Imagine FM Co-Location
Martin Campbell, Chief Adviser, Radio,
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7981 3806
- A1.4 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.5 It would be helpful if your response could include direct answers to the question asked in this document, which is attached at Annex 4. It would also help if you can explain why you hold your views and how the proposals would impact on you.

Further information

- A1.6 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Ofcom Content and Standards administration on 020 7981 3839.

Confidentiality

- A1.7 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A1.8 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish

all responses, including those that are marked as confidential, in order to meet legal obligations.

- A1.9 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.10 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.11 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.12 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.13 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.14 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 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 to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation**BASIC DETAILS**

Consultation title: Imagine FM Co-Location Request

To (Ofcom contact): Martin Campbell

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?

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)

Annex 4

Consultation question

One question

Q 1: Should Ofcom agree to UTV's request to co-locate 104.9 Imagine FM (Stockport) in premises at Warrington alongside Tower FM, Wish FM and Wire FM, having particular regard to the statutory criteria and co-location guidelines as set out in the Background (Section Two)?

Annex 5

UTV's Request for the co-location of 104.9 Imagine FM



Format Change Request Form OfW 332

Station Name:	104.9 Imagine FM
Name of Person Proposing Format Change:	Chris Hurst ILR Managing Director, UTV Radio GB
Outline Format Change(s) Proposals:	Co-location of Imagine with neighbouring North West stations 102.4 Wish FM, 107.2 Wire FM and 107.4 Tower FM in UTV Radio's new Head Office in Warrington.

Operators of analogue local radio licences 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).

Under section 106(1A) of the Broadcasting Act 1990 (as amended*), Ofcom may consent to the change only if it is satisfied that *at least one* of the following four 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; or*
- (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.*

Only one of these four 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 particularly circumstances of the case) why Ofcom may not consent to the proposed change.

In addition, applicants should note that, under section 106ZA of the same Act (as amended*), a proposed change that *does not* satisfy the first of these criteria (i.e. a change that Ofcom considers *would or could* substantially alter the character of the service) 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) 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 present your submission in the following manner:

Section 106(a) relevance...

Moving Imagine FM into our North West broadcast facility will not in any way alter the station's character of service. Imagine will remain "a locally focused music and information station for Stockport".

Imagine will remain totally committed to delivering the required level of locally relevant programming as set out under the new Future of Radio guidance (i.e. 10 hours during weekdays, including breakfast, and four hours during weekends).

Moreover, given the loss making status of the business as a stand-alone operation, the move is essential to secure the station's future financial viability and on-going existence. This will ensure Imagine has improved resource to continue to deliver and develop content that directly caters for the tastes and interests of listeners in the licensed area.

Section 106 (b), (c) and (d) relevance...

b) Given there will be no changes to the essential character of the Imagine FM service, the co-location of the station will in no way narrow the range of locally relevant services.

Speech will continue to be relevant to, and cater for the tastes and interests of listeners in the Stockport and South Manchester area, and will continue to include essential local information such as traffic, travel, weather, what's-on, jobs, crime-stoppers, financial and sports news.

Strong local news output will continue to be an important ingredient of the station with no change to the frequency of delivery of bulletins. In fact, the co-location with other stations (and therefore news teams) will enhance the ability of the news operation to react quickly to and cover stories in and around the locality. Indeed, the proposed co-location of the service gives fast easy access to the licensed area in under half an hour.

Whilst maintaining strong cultural affinity to Stockport, it has always been our view that strong local programme management, training and direction is more important to ensure the delivery of the character of the service, as opposed to the location of the station or its staff.

Importantly, though, if Ofcom were minded not to allow this co-location request, the future commercial viability of Imagine would be in doubt.

c) As there will be no changes to the range of programmes available due to the co-location, the move will have no unfair effect on competitors. If anything, the ability to secure the future of the service, and improve the management, training and opportunities for staff will maintain the vibrant level of competition in the South Manchester radio market.

Any additional information and/or evidence in support of proposed change(s).

A more detailed review of the exceptional circumstances surrounding this co-location request is attached below.

Notes

* As amended by sections 312 and 313 of the Communications Act 2003

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.

Additional Information: Exceptional Circumstances

We note that in deciding whether to allow co-location, the factors Ofcom may take into account are:

1. Size of station
2. Distance and affinity between the areas
3. Financial

As the MCA of Imagine is in excess of Ofcom's 250,000 threshold (463,000) we are not making this application on the basis of MCA size. However, as we argued in our Future of Radio submissions, MCA size by itself does not take any account of the competitive dynamics faced by individual stations, and is therefore (in our opinion) an arbitrary benchmark against which to assess co-location and Format change requests. Given the competitive situation faced by Imagine in South Manchester, the reality is that the realistic potential audience for Imagine is much lower than the MCA figure would suggest *prima facie*.

We also believe there are very strong arguments for co-location based on distance and affinity, and more importantly, on financial factors, which demonstrate that co-location is absolutely essential to ensure the commercial viability of the station.

Size

The radio market in Stockport ranks as one of the most competitive in the UK within the 250,000 to 500,000 MCA band. Imagine faces competition from a number of FM services in Greater Manchester plus regional FM services covering the North West, national commercial services and national and local BBC radio services. In addition, Imagine also faces further pressure from the Stockport community radio service, Pure Radio, which attracted 24,000 listeners in its first year of operation (Source: IPSOS MORI 2007). And all this before we consider the additional digital radio services carried on the local, regional, national commercial and BBC DAB multiplexes.

Imagine has an audience of 38,000 listeners, with total hours of 169,000 and a 2.5% share. UTV Radio has invested significantly in market and music research and is hopeful that with further investment audiences can be developed. However, we are realistic about the audience potential in this highly competitive market, and therefore we need to build an appropriate and sustainable business model to allow for future investment in this station.

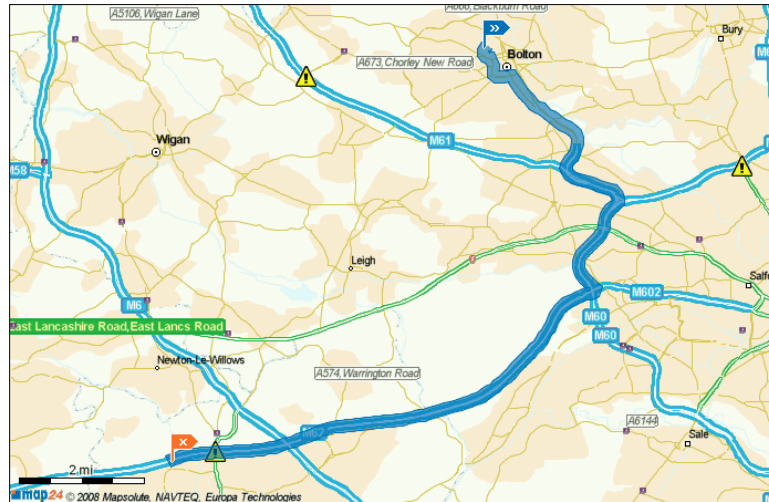
Distance and Affinity factors

We note Ofcom's guidance that there is likely to be a stronger case for co-location where "the stations concerned are not too far apart geographically and are able to demonstrate a cultural affinity between the two areas".

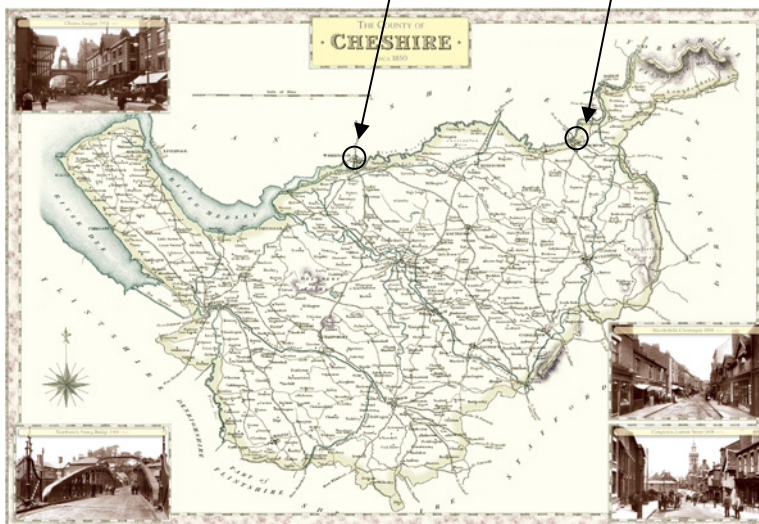
The Warrington Head Office site is only 12 miles outside Imagine's MCA. We are looking to move Imagine FM from Stockport to Warrington, a distance of 24 miles (or 25 minutes driving).



Transport in the North West is characterised by a highly developed motorway network meaning it is quick and easy to travel from the new Warrington facility to Stockport. In addition, this distance is almost exactly the same as that between Warrington and Bolton (21 miles, 27 minutes) where our station Tower FM is currently located, and which Ofcom has previously approved for co-location in our Warrington facility.



Furthermore, in terms of Affinity, both Warrington and Stockport still remain part of the historic Shire County of Cheshire, despite the numerous administrative boundary changes since the early 1970's.



In addition, both areas look to Manchester and feel part of a wider North West region. Focus group research undertaken by OLE (Other Lines Of Enquiry) on August 22nd 2006 within the Imagine TSA revealed the following:

Qu: "What's the best thing about living in this area?"

Respondent: "Probably that it's quite close to the city centre"

Qu: "What else, what can you do around here?"

Respondent: "There's loads to do, you can get to Manchester quite quickly on the train, there's cinemas, clubs"

Respondent: "We are a bit past Stockport. It's just somewhere you start off when you're about 15 and when you get to about 18 you start going to Manchester, you don't bother with Stockport. I'd never go out in Stockport."

Qu: "When we are saying local here, is it important that a presenter is local, by what area are we talking about that's local then?"

Respondent: "Greater Manchester. You could probably extend that to the North West. You can talk about Liverpool, Manchester, Stockport if you want to"

The following quotes come from our focus groups conducted in the 107.2 Wire FM TSA as part of our market study, commissioned by OLE on October 10th 2006.

"It [Warrington] used to be quite a community and I think that nowadays Manchester and Liverpool are just spreading into it more and more and I think it's losing its identity"

"If you commute out of Warrington to somewhere else like Manchester, then you are going to have friends in Manchester and it starts spreading and it drags you out of the area because there's more to do in Manchester than there is in Warrington."

In summary, therefore, we believe there are strong arguments for co-location based not only on the close proximity of Stockport and Warrington, but also in terms of the close cultural affinities (both historically and current) between the two locations.

Financial factors

Co-location of Imagine FM is absolutely crucial to ensure the financial viability of the station as a going concern.

As Table 1 demonstrates, out of 17 years of trading, the station has only ever generated a profit for four of those years and has lost in total £2.075m

Table 1: Imagine FM Financial Performance (1990 to date)

Financial Year	Turnover	Operating Costs	Operating Profit
1990	39	277	(£238k)
1991	225	549	(£324k)
1992 18 month period	340	580	(£240k)
1993	219	272	(£53k)
1994	294	261	+£33k
1995	281	251	+£30k
1996	489	433	+£56k
1997	499	492	+7k
1998	719	802	(£83k)
1999	952	1111	(£159k)
2000 15 month period	578	834	(£256k)
2001	790	975	(£185k)
2002	646	810	(£164k)
2003	679	746	(£67k)
2004	833	836	(£3k)
2005	806	877	(71k)
2006	750	910	(£160k)
2007	768	966	(£198k)
2008 Budget	•	•	•

The reason the station was profitable between 1994 and 1997 was due to the much-reduced cost base resulting from the significant support given to Imagine by Signal Radio during that time. As a stand-alone entity however, this business has consistently failed to generate profits.

Furthermore, given the highly competitive market environment faced by Imagine, we believe this business may never be able to be financially viable on its existing, stand-alone cost base. As we set out in Table 1 of our submission to Ofcom's "Future of Radio: Next Phase" consultation in December 2007, the radio market in Stockport ranks as one of the most competitive in the UK within the 250,000 to 500,000 MCA band. Imagine faces competition from a number of FM services in Greater Manchester and regional FM services covering the North West. In addition, Imagine also faces further pressure from the Stockport community radio service, Pure Radio.

Action therefore needs to be taken to shape the cost base of the station so that it can be financially viable going forward.

The move to profit would be as a result of overhead reduction. Moving away from the South Manchester area and its associated high rents, coupled with more use of shared back office facilities in the new North West head office will significantly improve financial performance.

We are progressing well in our move to house three of our ILR stations (Wish, Wire and Tower) in our new, state-of-the-art broadcast facility in the North West of England. This project has huge benefits for the group, and also for our listeners. The new facility represents a significant inward investment of £1.8 million into the North West region by UTV Radio and creates one of the largest and newest radio centres outside London. In addition, and significant in terms of our commitment to local radio, UTV Radio (GB) will be the only major radio group in the UK to have its Head Office outside London. We believe this is a major statement of intent.

Not least in pure financial terms, co-location for Imagine would bring immediate benefits from being part of this centre of excellence, with direct access to senior management on a daily basis, enhanced local news provision, plus inter-station communication and all the enhanced creativity that can be sparked by this. Further important benefits will also accrue to the station in terms of reduced staff turnover and employee training.

Staff turnover has been and continues to be a key issue for many of UTV Radio's ILRs. Imagine FM is no different. By way of example, $\frac{2}{3}$ rds of Imagine's commercial staff have turned over in the last six months. Given the station's close proximity to the competitive Manchester city centre media market, staff retention is a critical issue. Co-locating Imagine in our new Warrington facility would immediately give all staff a lift and create an aspirational media environment attracting top quality candidates throughout the entire staffing structure. This would allow the station to recruit, retain and develop a highly effective and professional team capable of maximising the full opportunity of the licensed area.

Conclusion

It is our firm belief that the future viability of Imagine cannot be secured without co-location. This will ensure Imagine has improved resource to continue to deliver and develop content that directly caters for the tastes and interests of listeners in the licensed area. We would therefore urge Ofcom to approve this request so that the citizens of Stockport and South Manchester can continue to benefit from their own locally focused commercial radio station.

Annex 6**COMMERCIAL RADIO STATION FORMAT****IMAGINE FM****Character of Service**

A LOCALLY FOCUSED BROAD MUSIC AND INFORMATION STATION FOR STOCKPORT

Licensed area	Stockport area (as in Ofcom advertisement)
Frequency	104.9 MHz
Service duration	24 hours
Locally-made hours	At least 10 hours a day during daytime weekdays (must include breakfast). At least 4 hours daytime Saturdays and Sundays.
Local news bulletins	At least hourly at peaktime weekdays and weekends. Outside peak, UK-wide, nations and international news should feature.

Shared arrangements (if applicable)

Co-location	No Arrangements
Programme sharing	No Arrangements

Definitions

Speech / Music	Excludes advertising, programme/promotional trails & sponsor credits
Peaktime	Weekday breakfast and drivetime, and weekend late breakfast
Daytime	0600 to 1900 weekday and weekend
Locally-made	Production and presentation from within the licensed area

MCA population : 462,925

Licence number : AL 038-3

Notes

This Format should be read in conjunction with Ofcom's published Localness Guidelines as updated with additional text from "The Future of Radio : The Next Phase" (2007)

AGREED MARCH 2008

Annex 7

Commercial and Community Stations operating in the Stockport area

Commercial Stations

Gold 1458 <http://www.ofcom.org.uk/static/radiolicensing/formats/al161-1.doc>

105.4 Century FM <http://www.ofcom.org.uk/static/radiolicensing/formats/al220-1.doc>

Galaxy 102 <http://www.ofcom.org.uk/static/radiolicensing/formats/al033-2.doc>

Key 103 <http://www.ofcom.org.uk/static/radiolicensing/formats/al079-2.doc>

Magic 1152 <http://www.ofcom.org.uk/static/radiolicensing/formats/al082-2.doc>

100.4 Smooth Radio <http://www.ofcom.org.uk/static/radiolicensing/formats/al164-1.doc>

RockTalk (working title - not on air at publication)

<http://www.ofcom.org.uk/radio/ifi/rbl/car/ifmapps/manchester/rock.pdf>

Xfm Manchester <http://www.ofcom.org.uk/static/radiolicensing/formats/al298-1.doc>

Community Stations

- Pure Radio (Stockport)
<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr034.pdf>
- All FM (South Central Manchester)
<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr023.pdf>
- Wythenshawe FM
<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr024.pdf>

The application submitted for each service, which contains information on target audience and planned programme output, can be found at:

http://www.ofcom.org.uk/radio/ifi/rbl/commun_radio/tlproc/archives/applications/England

Annex 8

Broadcasting Act 1990

Requirements as to character and coverage of national and local services.

106.—(1) A national or local licence shall include such conditions as appear to OFCOM to be appropriate for securing that the character of the licensed service, as proposed by the licence holder when making his application, is maintained during the period for which the licence is in force.

(1A) Conditions included in a licence for the purposes of subsection (1) may provide that OFCOM may consent to a departure from the character of the licensed service if, and only if, they are 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, in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition in that 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.

(1B) The matters to which OFCOM must have regard in determining for the purposes of this section the character of a service provided under a local licence include, in particular, the selection of spoken material and music in programmes included in the service.

(2) A national or local licence shall include conditions requiring the licence holder to secure that the licensed service serves so much of the area or locality for which it is licensed to be provided as is for the time being reasonably practicable.

(3) A national licence shall include conditions enabling OFCOM, where it appears to them to be reasonably practicable for the licensed service to be provided for any additional area falling outside the minimum area determined by them in accordance with section 98(2), to require the licence holder to provide the licensed service for any such additional area.

(4) Subject to subsection (5), OFCOM may, if they think fit, authorise the holder of a local licence, by means of a variation of his licence to that effect, to provide the licensed service for any additional area or locality adjoining the area or locality for which that service has previously been licensed to be provided.

(5) OFCOM shall only exercise the power conferred on them by subsection (4) if it appears to them—

- (a) that to do so would not result in a significant increase of the area or locality for which the service in question is licensed to be provided; or
- (b) that the increase that would result is justifiable in the exceptional circumstances of the case.

(6) As soon as practicable after OFCOM have exercised that power in relation to any service, they shall publish, in such manner as they consider appropriate, a notice—

- (a) stating that they have exercised that power in relation to that service; and
- (b) giving details of the additional area or locality for which that service is licensed to be provided.

(7) In this section 'relevant independent radio services' means the following services so far as they are services falling to be regulated under section 245 of the Communications Act 2003—

- (a) sound broadcasting services;
- (b) radio licensable content services;
- (c) additional services;

but, in relation to a departure from the character of a service provided under a local licence, does not include a service that is provided otherwise than wholly or mainly for reception by persons living and working in the area or locality in question.

Consultation about change of character of local services.

106ZA.—

(1) Before deciding for the purposes of a condition imposed under subsection (1A) of section 106 whether to consent to a departure from the character of a service provided under a local licence on any of the grounds mentioned in paragraphs (b) to (d) of that subsection, OFCOM must publish a notice specifying—

- (a) the proposed departure; and
- (b) the period in which representations may be made to OFCOM about the proposal.

(2) That period must end not less than 28 days after the date of publication of the notice.

(3) The notice must be published in such manner as appears to OFCOM to be appropriate for bringing it to the attention of the persons who, in OFCOM's opinion, are likely to be affected by the departure.

(4) OFCOM—

- (a) are not required to publish a notice under this section, and
- (b) may specify a period of less than 28 days in such a notice as the period for representations, if they consider that the publication of the notice, or allowing a longer period for representations, would result in a delay that would be likely prejudicially to affect the interests of the licence holder.

(5) OFCOM are not required under this section—

- (a) to publish any matter that is confidential in accordance with subsection

(6) or (7); or

(b) to publish anything that it would not be reasonably practicable to publish without disclosing such a matter.

(6) A matter is confidential under this subsection if-

(a) it relates specifically to the affairs of a particular body; and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that body.

(7) A matter is confidential under this subsection if-

(a) it relates specifically to the private affairs of an individual; and

(b) its publication would or might, in OFCOM's opinion, seriously and prejudicially affect the interests of that individual.