

# Format Change Request Form OfW 332

**Station Names:**

**SUNRISE RADIO (AL 156-2)  
KISMAT ASIAN TALK RADIO (AL 160-2)**

**Name of Person  
Proposing Format  
Change:**

**Avtar LIT**

**Outline Format  
Change(s) Proposals:**

## **Format Changes**

It is proposed to make the following changes in the respective formats of Sunrise Radio (Sunrise) and Kismat Asian Talk Radio (Kismat):

### **(a) Sunrise Format**

Delete the following provisions:

*“News magazine programmes (containing Asian language bulletins) will be run weekly for the Punjabi community (at least five hours), Gujarati (at least five hours), Bengali (at least five hours), Tamil (at least two hours) and Sinhalese (at least one hour). Religious programmes will be broadcast for at least three hours each week.”*

### **(b) Kismat Format**

Insert, unchanged, the above provisions removed from the Sunrise format.

## **Summary**

The proposed changes merely seek to transfer certain magazine programmes with output aimed at specific Asian sub-groups from Sunrise to Kismat, where they will now better fit with the speech-based output of Kismat’s more recently-launched service.

As a result, there will be no reduction or change in the range of programmes available, nor indeed in the availability of specific programmes aimed at certain Asian sub-groups.

We believe the proposals to be changes of detail rather than affecting the character of the services. In any event, the proposals are of minor import and, in our view, should be commended and approved.

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 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; 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.

Applicants should note, however, 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) cannot normally be approved without prior public consultation<sup>#</sup>.

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:

**In our view the proposed Format changes satisfy each of the statutory requirements, particularly paragraphs (a), (b) and (c) as summarised below:**

#### **Section 106(a) relevance:**

##### **(a) Character of the Services**

The stations' Formats specify their characters as follows:

- **Sunrise** : "A music and information service for Asians in London".
- **Kismat** : "A speech-based station targeted at over-35s in the Asian communities around London, accompanied by a mix of popular forms of music appealing to the target audience".

In our view, the proposed changes will not affect the character of either Sunrise or Kismat in any substantial manner. The requested change is only in the Format detail, not the character, of Sunrise and concerns a limited amount of programming specifically directed at particular Asian sub-groups.

Sunrise Radio is a general music and information service, firmly rooted in the Asian community; it is music-based and required to broadcast a majority of music with at least 15% speech. This will not be altered by the proposed format changes.

Kismat is a speech-based Asian station. The inclusion of these Format obligations would be wholly consistent with Kismat's speech-based Format and specific remit to

“encompass Asian languages in a multi-lingual environment”.

We therefore believe that the proposed changes are of format detail rather than character. However were Ofcom to feel that the changes could affect the stations' character, we believe that they should still be approved in accordance with Section 106. We therefore confirm that we would wish Ofcom to proceed with its consideration of this request and any appropriate public consultation.

### **Section 106 (b), (c) and (d) relevance:**

#### **(b) Range of programmes available**

There will be no diminution in the range of programmes available. The proposal is to maintain this specific programme output on Kismat.

As both Sunrise and Kismat cover essentially the same area London-wide (apart from minor transmission differences), no programming will be “lost”. Indeed, as a result, the Asian audience in London will have a more clearly defined choice of listening, to the benefit of all.

#### **(c) Fair and effective competition**

There will be no change in the competitive situation in the London market, which will clearly be maintained. Both Sunrise and Kismat are owned and operated by Sunrise Group.

Since Sunrise Radio launched in 1989, the provision of Asian broadcasting in the London region has increased significantly, with the launch of Club Asia and Kismat on analogue (AM) frequencies, as well as Yarr, Panjab and the BBC Asian Network on DAB, together with numerous Community and satellite services.

#### **(d) Demand and support**

We believe that listeners will find the proposed changes attractive and that they will enhance the coherence and appeal of both Sunrise as a music-led entertainment station and of Kismat as a speech-based service.

We have not undertaken specific research into demand for the changes proposed as it not proposed to eliminate the programme elements concerned and they will continue to be available on Kismat.

We have, however, taken soundings among community leaders in the specific Asian sub-groups that would be affected by these changes. They are generally very supportive of Sunrise Group's efforts to enhance and broaden its services throughout the Asian communities. This is perhaps natural, given the Group's long commitment to developing Asian broadcasting and services in the UK. It was clear they would be disappointed were these specific programme elements to disappear but they also welcomed the idea to maintain them within Kismat's speech-based output.

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

Notes

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

# Ofcom may approve a change under criterion (a) without consultation only in extremis. While Ofcom will always respect the right of stakeholders to apply for a Format change in confidence, it is highly unlikely that commercial confidentiality will in itself be considered adequate grounds to approve a change under (a) without consultation.