



## Format Change Request Form OfW 332

<b>Station Name:</b>	Central Radio (AL323-1)
<b>Name of Person Proposing Format Change:</b>	UTV Media (GB) Limited
<b>Outline Format Change(s) Proposals:</b>	Request to Ofcom to co-locate Central Radio with Dune FM in Southport, following a conditional offer from the owners of Dune FM, Niocom Limited, to acquire Proud FM Limited from UTV Media.

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...**

UTV understand that Niocom's programming proposals for the station post co-location will not substantially alter the character of the service provided by Central Radio, and that the station will remain a locally focused radio station for Preston, Leyland and Chorley.

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

As the programming on Central will not be materially affected by the co-location, there will be no narrowing in the range of choice of radio services available in the area.

Furthermore, as the co-location would potentially secure the future of Central Radio as a viable on-going service, we do not believe that the co-location will in any way be counter-productive to the maintenance of fair and effective competition.

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

On 16<sup>th</sup> December 2009, UTV Media announced that it would close Central Radio and hand the licence back to Ofcom if a buyer could not be found. Since this date, UTV have been in discussion with several potential purchasers, one of whom is Niocom Limited, the owners of Dune FM in Southport.

As part of the potential acquisition contemplated by Niocom of Proud FM Limited (the licence holding entity), UTV are requesting permission from Ofcom to allow Niocom to co-locate Central Radio with Dune FM at the Power Station, Victoria Way, Southport, should Niocom be successful in completing the transaction.

We believe there is a strong case for Ofcom to allow this format change. As stated above, UTV understand that Niocom will not materially alter Central Radio's character of service post acquisition. In addition, there is significant cultural affinity between the areas covered by Dune and Central, with the two principal areas of population (Southport and Preston) being only 17 miles apart. Approving the co-location with Dune will allow the two stations to share programme management, production, administrative, engineering and management resources making the transaction more commercially viable to Niocom. Furthermore, Central Radio has an MCA of 198,000 and Dune FM has an MCA of 159,128 and therefore both stations fall within the 250,000 MCA threshold.

#### 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.

#### **OFCOM NOTES ON REQUEST:**

**The co-location request is not regarded as being likely to result in a substantial change to the character of service, particularly as Central Radio's locally-produced programming will remain bespoke and designed for listeners in Preston, Chorley and Leyland.**

**Therefore, under Section 106(1A) (a) of the Broadcasting Act 1990 Ofcom has discretion to agree the request, taking into consideration the criteria laid out in our Format Change policy available at:**

**<http://www.ofcom.org.uk/radio/ifi/rbl/formats/formats/fc/changeregs/>**

**and having regard to our localness guidelines available at:**

**<http://www.ofcom.org.uk/radio/ifi/rbl/car/localness/>**

**We consider that its limited impact means the change in this case is compatible with relevant criteria in Ofcom's Format Change policy. Ofcom's published criteria when considering co-location requests such as this centre on: the size of station; the financial implications; distance between stations; and cultural affinity.**

**The co-location would potentially secure, through sharing costs with Dune FM, the economic future of Central Radio, which was threatened with closure. Both Dune and Central are relatively small, with MCAs of under 200,000, and they are currently situated only 17 miles apart, with some cultural linkages. Nevertheless, while many resources will now be shared under the proposed co-location agreement, the 'local hours' programming on Central FM will remain editorially focused on the Preston, Leyland and Chorley areas.**

**27 January 2010**