



Format Change Request Form OfW 332

Station Name:	Jason Bryant
Name of Person Proposing Format Change:	Nation Radio
Outline Format Change(s) Proposals:	We wish to amend our news commitment from: At least hourly during weekday daytime and 0800-1400 at weekends To At least hourly at peakttime.

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...

The change is not substantive and will not change the key characteristics of the station.

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

N/A

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

Ofcom's Review of Local Media research, published in July 2009, confirmed that "many consumers, especially those from the younger age groups, regard radio more as a source of information, music and entertainment, rather than local news content." We agree. As Nation is clearly targeted at younger age groups, and with music being the defining characteristic of the station, we believe the change will allow us to underline our distinctiveness in the South Wales marketplace whilst continuing to provide key local news and information at peak times.

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.

Version 4 – amended March 2007

OFCOM NOTES ON REQUEST :

Following Ofcom's Future of Radio consultation in November 2007, <http://www.ofcom.org.uk/consult/condocs/futureradio07/>, we changed our localness guidance to permit stations to broadcast local news at peak-time (breakfast and drive weekdays and late breakfast at weekends) as a minimum obligation.

The statement read : *There is no requirement that licensees should apply for the number of hours of locally-made programming in the revised localness guidance. However in general, we consider that a change to the character of service to reduce hours of locally-made programming to the minimum levels set out in the localness guidelines would not amount to a substantial change. However, we will consider in each case whether there are exceptional circumstances that make it a substantial change.*

Nation Radio had been subject to guidance which stated stations on air for less than two years should not make Format changes so close to award. Consequently the station kept the obligation to broadcast local news through daytime (as opposed to peak).

**The two-year guidance was changed in February this year
<http://www.ofcom.org.uk/about/csg/rlc/notes/53> .**

The station now wishes to apply for the change.

**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/changereqs>
and with regard to our localness guidelines
<http://www.ofcom.org.uk/radio/ifi/rbl/car/localness/>.**

We consider that the impact of change would be limited. The consultation raised principles concerned with bulletin frequency, and we feel the change of bulletin schedule for a station with a prime *raison d'être* revolving around rock music would not amount to a substantial change in the character of its service. It is also compatible with relevant criteria in Ofcom's Format Change policy.

January 2010