



**Format Change Request Form OfW 332**

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| <b>Station Name:</b>                           | Chelmsford Radio  |
| <b>Name of Person Proposing Format Change:</b> | Mark Jeeves   |
| <b>Outline Format Change(s) Proposals:</b>     | To allow programme sharing with Southend Radio for 6 of the 10 local broadcast hours. |

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...**

Chelmsford Radio and Southend Radio currently co-locate in the Southend Radio studios in Southend-On-Sea.

Whilst sharing programmes outside of a breakfast show, Chelmsford Radio would retain its separate and individual identity, with bespoke local news, and local content derived from the following sources:

#### ***'Survival' information:***

The station would retain bespoke traffic news, weather forecasts, and local 'what's on' style information, delivered through split links in each local hour.

#### ***Shared Content***

Chelmsford and Southend are neighbouring towns, reliant on each other culturally and economically.

Southend is Chelmsford's playground, and as part of the close-knit Essex family of towns, programming can be easily shared between the 2 stations, which will be of relevance and interest to people locally.

Shared content will be that which is universal, for example music information, relevant topics relevant to listeners in the Essex area, listener reaction to national stories as well as competitions or content that wouldn't necessarily have an area-specific relevance, i.e. a competition for a holiday.

There is a significant commute between the two towns, and some of the busiest roads in the country cross the 2 areas. High quality cross-county traffic news would be seen as a real benefit to listeners, with RDS switching between the 2 allowing a continuous listen for the travelling public.

Similarly, many events, such as the 3Foot People Festival would draw many people from Southend and neighbouring towns. Combining resources in this way would provide benefits to the listener, as well as higher quality output.

### **'On The Ground' Activity**

The change proposed will allow the diversion of funds to deliver much greater local presence in the Chelmsford Radio area through the employment of local marketing and promotional teams. This increased focus will deliver more quality local material to the on-air programmes, thereby increasing listener relevance and entertainment.

#### **Summary**

In this way, the character of the service will not just be maintained, but locally sharpened and enhanced through the use of higher quality presenters and contributors.

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

**(b)** Chelmsford Radio currently shares much with Southend Radio, from a Music log through to presentation splits. By increasing the quality and frequency of specific local information and entertainment the services will be enhanced and listeners will suffer no narrowing of range of programmes. Chelmsford Radio and Southend Radio would retain their individuality.

**(c)** The introduction of the Heart brand into many parts of the UK has shown that a strong brand, with a clear proposition, consistently delivered meets listener needs as evidenced through the increase in their audience figures. Now that the Heart brand has been introduced into Essex, there is likely to be a similar expectation on the part of the listener. In order to offer listeners a credible alternative in the locality, the quality of presenter, imaging, music and content on Chelmsford Radio must improve, while operating within a difficult financial climate as evidenced in the section below.

**Any additional information and/or evidence in support of proposed change(s).  
I request that the following financial information be kept private and confidential.**



### **Format Change Request Form OfW 332**

**Station Name:**

Southend Radio

**Name of Person  
Proposing Format  
Change:**

Mark Jeeves

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

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Similarly, many events, such as the Southend Festival Of The Air would draw many spectators from Chelmsford and neighbouring towns. Combining resources in this way would provide benefits to the listener, as well as higher quality output.

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#### 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 THE REQUEST**

**Ofcom agreed to the co-location of these stations – which are now in joint ownership – in September of this year, when it was felt the request was in line with Ofcom’s view on benefits that might be accrued from co-location without disenfranchising the listener. The request to share programme is, therefore, not unexpected.**

**The request is not regarded as a substantial change to the character of service as it is believed the change perceived by listeners will not be great, and that their expectations will be met.**

**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 with regard to our localness guidelines <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 programme-sharing and co-location requests centre on : the size of station ; the financial implications; distance between stations; and cultural affinity.**

**The financial performance of both stations have been supplied in confidence to Ofcom, and it was felt to be a significant factor here.**

**Both stations have the same unusual geographical problems with regard to their proximity to each other and to London, so sharing as well as co-location is not an unnatural move.**

**The stations are 20 miles apart and both stations have relatively small MCAs.**

**The arguments made in the public section of the request are sound. As with any sharing arrangement, the way in which it is managed and the programming itself will determine the success or otherwise of the venture.**

**The request is allowed.**

MC Nov 2009