

**Format Change Request Form OfW 332**

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| <b>Station Name:</b>                           | Trax FM (Bassetlaw)   |
| <b>Name of Person Proposing Format Change:</b> | Michael Betton  |
| <b>Outline Format Change(s) Proposals:</b>     | To co-locate Trax FM (Bassetlaw) with Trax FM (Doncaster) at Doncaster. To reduce requirements for locally made programming to 4 hours daily, normally between 0600 and 1900. |

**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, Ofcom is under no obligation to give its consent, even if it is of the opinion that the proposed change satisfies one or more of the statutory criteria.**

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, be consulted upon, irrespective of whether it may satisfy any of the other three criteria #.

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 proposed change will not substantially alter the character of the service. Outside split programmes Trax FM (Bassetlaw) has relayed Trax FM (Doncaster) since the start of the Doncaster service in September 1999. During non-split hours the simulcast service has included local content relevant to both areas. By co-locating our Bassetlaw split presenter within the same building at Doncaster we will be able to enhance the Bassetlaw content during simultaneous hours. They will be able to give an additional insight on Bassetlaw matters to presenters located in Doncaster. The change to listeners will be that in addition to the Bassetlaw content that they currently receive they will have additional Doncaster content for 3 hours a day more (Monday to Friday). News bulletins have always been broadcast simultaneously on both services. Listeners to either service are used to Trax FM having a single united editorial area. Other than requirements for local production the Formats of the two services are the same.

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

Other than locally made requirements the Trax FM (Doncaster) and Trax FM (Bassetlaw) formats are effectively the same making sure that there will be no narrowing of the range of programmes available, as the style of the service, other than local content, will be identical.

As the service available will only be changed marginally we do not consider there to be any change to the competition environment.

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

Trax FM was conceived in November 1998 to apply for the re advertised Doncaster/Bassetlaw licence held by Hallam FM, which relayed their Sheffield based service. It was not the company's original intention to provide a separate service for each area, but because Doncaster and Bassetlaw (as one of the possible Nottinghamshire small scale stations) were advertised separately we had to apply separately, assessing that at the time, the expectation of the regulator was for at least some separate programming. This proved to be the case as the Radio Authority at the time of the Bassetlaw award indicated that they hoped we would transmit more than seven hours a day of separate programming.

Trax FM's Doncaster service is carried on the South Yorkshire Multiplex which also has coverage in Bassetlaw. It seems inconceivable that it would be possible to justify

the cost of two largely similar DAB services on this Multiplex. As DAB take up increases we will need to include more Bassetlaw information during split programmes to satisfy the Bassetlaw based DAB audience.

We have accepted from the very early days of our Bassetlaw service that it would not be viable on its own. The station has an MCA of just 36,000. It has been funded by the success of the Doncaster operation. However, Doncaster has experienced many structural difficulties in the last two years, which along with the overall commercial trends have suppressed revenues. It also has the financial burden of DAB simulcast charges. It is difficult to justify the expense of a separate office 14 miles away, for 3 full-time and 1 part-time staff members, particularly when they are supervised from Doncaster.

Although Bassetlaw is Nottinghamshire and Doncaster is part of South Yorkshire the connection between the two areas is strong.

Transport links connect Worksop and Retford (Bassetlaw's two main towns) with Doncaster. The A1 runs south from Doncaster between Worksop and Retford. The main rail artery is the Great North Line with stations at Retford and Doncaster. Doncaster's new airport is called 'Robin Hood' emphasising its link to Bassetlaw which is of course the centre of Sherwood Forrest.

The NHS Trusts of each area have merged to form the Doncaster and Bassetlaw NHS Foundation Trust. Both areas reflect their mining backgrounds and Bassetlaw often considers itself part of a wider-Yorkshire area rather than an often-forgotten, add-on to Nottinghamshire and the East Midlands. Doncaster Rovers enjoys strong support in Bassetlaw as does the Doncaster based rugby team, The Lakers. Leisure facilities, such as the multiplex cinema, in Doncaster also draw from Bassetlaw, which has no cinema and only modest leisure provision.

#### 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.

Version 3 – amended October 2006