



## Format Change Request Form OfW 332

<b>Station Name:</b>	Sovereign Radio and Arrow FM
<b>Name of Person Proposing Format Change:</b>	Paul Williams – Programme Controller
<b>Outline Format Change(s) Proposals:</b>	To share the weekday 11am-3pm show from Splash FM and Bright FM across Sovereign Radio and Arrow FM.

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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 proposed change would only alter the character of the services in a positive way. Currently, both Sovereign Radio and Arrow FM carry automated output during midmorning hours, and we feel a live programme (featuring a high-profile presenter with great local heritage in Sussex) will improve the profile and output of all four of our stations, while we continue to retain our commitment to local news and content. The 11am-3pm show has been shared across Splash FM and Bright FM for a number of months now, and our management of the show has proved our commitment to local content. Technology allows us to provide separate hourly news, weather and travel updates – plus event listings and a community appeal feature – tailored to the individual stations and areas. In addition, we provide bespoke links (or entire segments) for each station when required, and can deal with delivering breaking news or travel live to each individual station. Our commitment to local content would not decrease with this proposed change.

All our stations are in close regional proximity to each other, with audiences who share common interests. All four of our stations are based in Sussex including Bright FM which already broadcasts to both West and East Sussex residents.

All four stations are targeting the same age range of listeners, and the stations' playlists are very similar, therefore the sharing of this programme will not have a negative impact on the consistency of any of the stations output.

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

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

Sovereign Radio and Arrow FM have made significant financial losses over many years. The acquisition of these two stations by Media Sound Holdings Ltd provides us with a unique opportunity to use the benefits of networking and shared resource to reverse years of losses. Fifteen months ago the merger of Bright FM and Splash FM allowed us to utilise these benefits for the first time, in doing so we have increased our local content and both stations are now trading profitably.

## 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**

### **The request was agreed on the following grounds:**

*Section 106(1A)(a), Broadcasting Act 1990* – that the departure would not substantially alter the character of the service.

*Programme-sharing policy* - each of the four stations has an MCA of fewer than 250,000 adults, and all are located in Sussex and thus there is a degree of cultural affinity between them all.