

Your response

Question 1: Respondents are invited to comment on whether they agree with Ofcom's preliminary view and to frame their views and responses with reference to, or in the context of, the statutory criteria in section 106(1A) of the Broadcast Act 1990 (as amended).

The proposed change is most definitely a substantial change to the character of the station, it will most definitely narrow the range available to the community who listen to XFM, the most similar one would be Radio X and that is more of a chat radio whereas XFM had a larger and deeper understanding of the genre and play songs that simply are not played on other stations.

I assume there is high demand for the genre it is proposed to change to but then there should be a new radio station rather than the demised of a well loved station that has put together such a wonderful community.

Though the original indie and rock kids in Manchester are now getting old and grey we have children who love the music too. It is a huge part of the heritage and culture of Manchester and XFM embodies it perfectly. Please do not close this station that means so much to so many.

The statutory criteria that Ofcom must apply when considering requests to change key commitments are set out in Section 106(1A) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004), and are as follows:

- that the departure would not substantially alter the character of the service (section 106(1A)(a));
- that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community (section 106(1A)(b));
- that, there is evidence that, among persons comprising that community, there is a significant demand for, or significant support for, the change that would result from the departure (section 106(1A)(d));
- that the departure would not be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities (section 106(1A)(e)); or
- that the departure would not be prejudicial to

the delivery of social gain resulting from the provision of the service provided under that licence (section 106(1A)(f)).

1.9 Where Ofcom is considering whether or not to consent to a proposed change on the basis of sections 106(1A)(b), (d), (e) or (f) above, it is under a general obligation to consult with those who, in its opinion, are likely to be affected by the change.¹

Ofcom is not, however, required to consult when it is satisfied that a proposed change satisfies section 106(1A)(a) - i.e. that a proposed change would "not substantially alter the character of the service".

The term 'character of the service' is not defined in the legislation. We consider that it includes everything that is set out in each service's key commitments section of its licence. For the avoidance of doubt, this goes beyond a sub-section in the key commitments document entitled 'description of character of service' to encompass the entirety of the key commitments annex to the licence.