

Key Commitments change request form

Community radio station name:	Castledown FM
Licence number:	CR000093
Licensee (company name):	Castledown FM Ltd
Contact name:	Andrew Connolly
Date of request:	9 th January 2023

Details of requested change(s) to Key Commitments

A community radio operator may apply to Ofcom to have the station's Key Commitments amended.

Please complete the table overleaf by including your current Commitment in the left hand column and your proposed revised Commitment in the centre column. In the right hand column please give a brief explanation as to why you wish to make each change.

We also require you to complete a second table which asks you to explain your proposed changes with reference to the statutory framework.

If you do not provide an explanation for your proposed changes and a completed comparison table, Ofcom cannot consider a Key Commitments change.

Please complete this form and return it to: broadcast.licensing@ofcom.org.uk

Existing Commitment (as in your published Key Commitments) Please only include one commitment change per row, and add more rows as necessary into the table.	Proposed revised/new Key Commitment	Reason for proposed change
<p>The service provides original output for a minimum of six hours per day.</p>	<p>The service provides original output for a minimum of 45 hours per week.</p>	<p>We are proposing to increase in the committed number of hours from 6 hours per day to 45 hours per week.</p> <p>We can on occasion struggle to fill 6 hours per day with recent volunteer illnesses and loss of presenters, however over the week we easily fulfil, and significantly exceed, our current commitment.</p> <p>This change will considerably help with the efficient day-to-day management of our station.</p>

Statutory requirements

Under section 106(1A)(a)-(f) of the Broadcasting Act 1990 (as amended and modified¹) Ofcom must be satisfied that your proposed changes **meet at least one of the criteria referred to below**.

Please indicate which of these criteria you believe your proposed changes satisfy by deleting YES or NO as applicable and provide an explanation for why you consider a particular criterion is met in the relevant box. You should note that even if Ofcom is of the opinion that your explanation of your proposed changes meets one or more of these criteria, there may still be reasons why Ofcom is unable to consent to the change. When explaining your proposed changes, it is not enough to state that you believe one of the criteria is met. You must also demonstrate *why* you consider that at least one of these criteria is met.

In particular, if Ofcom is not satisfied that the changes would not substantially alter the character of the service (criterion (a) below), Ofcom cannot consent to the change without consulting on your proposals.² If this is the case, we will contact you to confirm that you are happy for us to consult on your proposed changes, and whether you wish to make any changes to your request in light of the need to make it public.

As part of our consideration of your request to make changes to your Key Commitments, we require applicants to provide an explanation for **at least one** of the criteria below.

(a) In your judgement would the proposed changes substantially alter the character of the service?	YES/NO (Please explain why below)
No	
(b) Do you consider that the proposed changes would narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community?	YES/NO (Please explain why below)
No	
(c) Do you believe that there is evidence that, amongst persons comprising that community, there is a significant demand for, or significant support for, the changes that you have proposed?	YES/NO (Please explain why below)
Yes	
(d) Do you consider that your proposed changes would 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?	YES/NO (Please explain why below)
No	

¹ As amended by sections 312 and 313 of the Communications Act 2003 and modified by the Community Radio Order 2004.

² Ofcom may approve a change under any of criteria (b), (c), (d) and (e) 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.

(e) Do you consider that the proposed changes would be prejudicial to the delivery of social gain resulting from the provision of the service provided under your licence?	YES/NO (Please explain why below)
No	

<p>Please set out below any additional information and/or evidence you wish to provide in support of your proposed changes.</p> <p>In particular, you may wish to outline how you think your proposed change(s) fit(s) within Ofcom's published guidance on changes to Key Commitments (https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf).</p>

Data Protection

We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's [General Privacy Statement](https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement) (<https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement>) for further information about how Ofcom handles your personal information and your corresponding rights.

Amended May 2018

Ofcom notes on the request

The request was AGREED, because Ofcom was satisfied in relation to Section 106(1A)(a) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004, and further modified by the Community Radio (Amendment) Orders 2010 and 2015) i.e. that the change would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee is requesting to convert its Key Commitment on original output from a daily requirement of six hours per day to a weekly requirement of forty-five hours per week. In doing so, the Licensee will achieve a slight increase of 7% to its original output commitment. The reason for this request is to allow for greater flexibility in meeting Key Commitments across the course of a week rather than a single day, and we are happy to agree to changes of this nature to Key Commitments for this reason. We are encouraged that the Licensee is currently over-delivering on its Key Commitments in relation to the provision of original output, and that it has chosen to request a slight increase in its commitment to reflect this.

Ofcom is satisfied that this change will not substantially alter the nature of the character of the programme service provided by Castledown FM, and the change will not have any negative impact on the Licensee's ability to deliver the on-air service and its off-air social gain commitments. In terms of our policy criteria, Ofcom is satisfied that the changes will not affect the station's ability to meet the community radio 'characteristics of service' set out in the legislation, and for the reasons set out above, we do not consider there to be any negative impact on the character of service. We therefore decided to exercise our discretion to approve this change.

February 2023