

Key Commitments change request form

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| Community radio station name: | Digital Hits One |
| Licence number: | CR102854BA/1 |
| Licensee (company name): | Digital Hits Network Limited |
| Contact name: | Mark Carney |
| Date of request: | 24th 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 |
|--|---|--|
| The service provides original output for a minimum of 42 hours per week. | The service provides original output for a minimum of 30 hours per week. | The station wishes to commit to a level where in a worst-case scenario it can be maintained more easily and allows us to over deliver. The stations aim at all times is to achieve the current level of original output however we need flexibility in the event shows are cancelled due to presenters no longer wishing to do them or in the event a presenter is ill and no cover can be found. |
| The service provides locally-produced output for a minimum of 42 hours per week. | The service provides locally-produced output for a minimum of 30 hours per week. | Again, the station wishes to commit to a level where in a worst-case scenario it can be maintained more easily and allows us to over deliver. The stations aim at all times is to achieve the current level of locally-produced output however we need flexibility in the event shows are cancelled due to presenters no longer wishing to do them or in the event a presenter is ill and no cover can be found. |
| Digital Hits One is for residents and tourists in North Somerset, particularly those aged 25-54. The service is informative, entertaining and | Digital Hits One is for residents and tourists in North Somerset, particularly those aged 25-54. The service is informative, entertaining | Due to the COVID-19 pandemic local events have not returned to their former amount and while the station makes |

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| <p>relevant to the local area. Programming will appeal musically to a wide cross-section of the population and has a strong focus on local events.</p> | <p>and relevant to the local area. Programming will appeal musically to a wide cross-section of the population and has a focus on local events.</p> | <p>great effort to publicise all events it is aware of; we would like to give ourselves breathing space should we have periods of little or no events throughout the year.</p> |
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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.

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| (a) In your judgement would the proposed changes substantially alter the character of the service? | NO (Please explain why below) |
| The station aims to maintain its current levels however is mindful that circumstances change for individuals/volunteers and the commitment they can offer us. Therefore, we wish to have a realistic commitment that we can over achieve on. | |
| (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? | NO (Please explain why below) |
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| (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? | NO (Please explain why below) |
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| (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? | NO (Please explain why below) |

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.

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| (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) |
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| <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> |
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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 changes would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee has asked to reduce its requirement for the provision of original output from 42 hours per week to 30 hours per week and locally produced output from 42 hours per week to 30 hours per week. These changes roughly constitute a 28% reduction in the total original and locally produced output across the week. The licensee says these changes will provide it with a greater ability to manage the delivery of the service, when there are volunteer shortages. Ofcom is satisfied that these adjustments will not substantially alter the character of the programme service, and that the licensee will continue to be able to deliver its overall character of service despite the reduced original and locally-made output commitments.

The licensee also proposes to adjust the requirement to provide a service that “has a strong focus on local events” to account for periods where there are fewer local events throughout the year. We recognise that these changes will not substantially alter the character of service because the service will continue to publicise all events, when they take place, throughout the year in the local area.

In terms of our policy criteria, Ofcom is satisfied that these 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 judge the extent of the impact of the change on the character of service to be low. We therefore decided to exercise our discretion to approve these changes.

March 2023