

Key Commitments change request form

Community radio station name:	East Devon Radio
Licence number:	CR000236BA/3
Licensee (company name):	East Devon Radio Limited
Contact name:	Andy Green
Date of request:	21 May 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
Music. The main type of music broadcast over the course of each week is: pop music from the past 60 years, with a particular emphasis on the 1950s to the 1980s. Specialist music programmes, and local artists also feature.	Music. The main type of music broadcast over the course of each week is: pop music from the past 60 years. Specialist music programmes, and local artists also feature.	We will continue to play a wide range of music from the past and present. To update the emphasis to the past 60 years. This allows us to remove music from older decades as time passes.
The service provides original output for a minimum of 12 hours per day.	The service provides original output for a minimum of 84 hours a week.	To provide the same number of hours, spread over a week. This will enable us to manage volunteer time over a longer period than one day, in the case of unexpected illness or weather conditions preventing a person broadcasting.
The service provides locally-produced output for a minimum of 13 hours per day.	The service provides locally-produced output for a minimum of 91 hours a week.	To provide the same number of hours, spread over a week. This will enable us to manage volunteer time over a longer period than one day, in the case of unexpected illness or weather conditions preventing a person broadcasting.

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?	NO (Please explain why below)
<p>As time move forward, older music become less relevant. By changing to “music from the past 60 years” clarifies the music provided. The six decades can roll forward as time progresses.</p> <p>The number of hours of local and original content remains unchanged, simply spread over a seven-day period.</p>	
(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)
<p>The range of programmes on East Devon remains unchanged.</p>	
(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)
<p>The clarification of the music change to read “music from the past 60 years” will not affect the community.</p>	

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.

<p>(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?</p>	<p>NO (Please explain why below)</p>
<p>There are no changes in this regard.</p>	
<p>(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?</p>	<p>NO (Please explain why below)</p>
<p>There are no changes in this regard.</p>	

<p>Please set out below any additional information and/or evidence you wish to provide in support of your proposed changes. 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>
<p>The current key commitments document published on the Ofcom website references -</p> <p>Service name: Exmouth AIR Radio - this should read East Devon Radio</p> <p>Frequency: 106.4 MHz - this should read: 106.4 MHz, 95.0 MHz, 94.6MHz, & 106.1 MHz</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.

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 daily requirements for both the provision of original output and locally-produced content to weekly commitments. With respect to original output this would mean the Licensee would move from a daily commitment of 12 hours to a weekly commitment of 84 hours. Regarding locally-produced content, the Licensee is seeking to move from a daily commitment of 13 hours to a weekly commitment of 91 hours. This change will allow the Licensee greater flexibility in delivering the service, whilst ensuring that the total hours of original output and locally-produced content the licensee is required to deliver over the week remains unchanged. The Licensee has noted this will provide greater flexibility pertaining to allocation of volunteer time, and may provide resilience in the event of volunteer illness. Ofcom notes that this change may act to ensure the sustainability of the service on an ongoing basis. Ofcom is satisfied that this change will not substantially alter the character of the programme service delivered by East Devon Radio, and that the licensee will continue to be able to deliver its on-air programme service. The change will also not affect the delivery of the station's off-air social gain commitments.

The other aspect of the request is a change in the description of the music the station must play, which will remove reference to specific decades. The Licensee says this change will allow it to update the catalogue of music it plays as time passes. The Licensee has also stated that it will continue to play a wide range of music from the past to present. Ofcom notes the Licensee will retain the commitment to feature specialist music programmes and local artists. Ofcom also notes that the Licensee will retain a commitment to play pop music from the last 60 years as its main type of music broadcast, as such, the Licensee's request represents a relatively minor alteration to its key commitments. Thus, Ofcom is satisfied that this change will not substantially alter the character of the programme service delivered by East Devon Radio.

In terms of our policy criteria, we are satisfied that the change 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 negligible. We therefore decided to exercise our discretion to approve the change.

June 2023