

Key Commitments change request form

Community radio station name:	Embrace Radio
Licence number:	CR103404
Licensee (company name):	Creativity Media Services Northampton LTD
Contact name:	Paul Moore
Date of request:	7 th March 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 types of music broadcast over the course of each week are: A mix of music from the 70s to today. A variety of music genres, aimed at ethnic minorities and other specific interest groups will be part of specialist shows from 7pm to 10pm.	Music. The main types of music broadcast over the course of each week are: A mix of music from the past to the present, with specialist shows aimed at all types of interest groups.	Through our market research we have identified numerous requests from our listeners for a wider range of musical eras this would further enhance our community station sound.
The service provides original output ¹ for a minimum of 91 hours per week.	The service provides original output for a minimum of 70 per week.	Lowering our hours will ensure we are not in breach of any key commitments and will support our focus on quality of output.
The service provides locally-produced output for a minimum of 70 hours per week.	The service provides locally-produced output for a minimum of 42 hours per week.	Lowering our hours will allow for some remote broadcasting and also help us to focus on the quality of our output, ensuring we are not in breach of any key commitments.

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)
Any changes will not substantially change our service but actually enhance our ability to deliver a service that our new audience is asking for. It is vital we look to attract a wider audience and engage in all community groups. We see the proposed changes as feasible and absolutely crucial to our future service.	
(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)
Our changes will not narrow our range of programs but it will give us a wider range. It will enable us to celebrate all music from the past and present and further develop our relationships with all community groups.	
(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, our research from listeners has shown us that these changes are necessary to ensure the station keeps up to date with its target audience. For example, some of our listeners wish to hear music from the distant past and onwards which will help us to celebrate the roots and history of diverse communities who regularly listen to such music.	

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>YES/NO (Please explain why below)</p>
<p>We do not think anyone would oppose our changes as these changes are enhancing our station for the community. It would further facilitate access to members of our community who can be a voice for the station, and equally mould how we further improve our training and output, so that we can access areas of the community that may feel unrepresented.</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>YES/NO (Please explain why below)</p>
<p>By allowing the proposed changes we feel will have no effect on our social gain but will enhance our standard of output. It will help us to focus on the quality of our output and ensure the sensitivity is afforded to all groups. The quality is essential in delivering on our key commitments.</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>Market research over the first 12 months of our licence has shown that you cannot predict what your audience want to hear from a new station so, we are now trying to tailor our service to give our new audience what they want from Embrace. Studying the Dynata Report has helped us greatly as we have sought to understand what our community wants from our service. It has opened up opportunities to work not only with our community but also our colleagues from other radio stations within the town, which can only be a positive.</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 reduce its Key Commitment on original output from 91 hours per week to 70 hours per week; this change would represent a reduction of 23.1% of its original output requirement, which the Licensee says will allow it to focus on the quality of its output. Ofcom considers this represents a moderate reduction to the Licensee's original output key commitment and therefore, we are satisfied this change does not represent a substantial change to the Licensee's character of service.

Similarly, the Licensee is also requesting to reduce its Key Commitment for locally produced content from 70 hours per week to 42 hours per week, this represents a greater reduction of 40%. The Licensee has stated that this change would allow it to utilise more remote broadcasting. We are satisfied that this change will not substantially alter the character of programme service as the required volumes of original and locally-produced output should enable the station to continue to deliver a service consistent with Embrace Radio's overall character of service.

Finally, the Licensee is requesting to change the wording of its music Key Commitment from "A mix of music from the 70s to today. A variety of music genres, aimed at ethnic minorities and other specific interest groups will be part of specialist shows from 7pm to 10pm" to "A mix of music from the past to the present, with specialist shows aimed at all types of interest groups." The Licensee has pointed to market research as its underpinning rationale for this change, but we do not consider the information provided by the Licensee constitutes clear evidence of support and/or demand for the proposed change. Nevertheless, Ofcom does not consider that this proposed change would substantially alter Embrace Radio's character of service. The Licensee will still need to serve the local population "regardless of ethnicity", and indeed this change may provide the licensee with additional flexibility to better serve its target audience. We also think a revised commitment to broadcast "specialist shows aimed at all types of interest groups" is not much of a change from the current requirement.

In terms of our policy criteria, Ofcom is satisfied the change will not affect the station's ability to meet the community radio 'characteristics of service' set out in the legislation. In particular, Ofcom is satisfied that the proposed changes will not impact the Licensee's ability to deliver a service that is "provided primarily for the good of members of the public, or of communities, and in order to deliver social gain, rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service". Under the proposed changes, Embrace Radio will maintain its existing character of service to "serve, regardless of ethnicity, all those who live and work in the Borough of Northampton and whose family life is rooted in the borough of Northampton and its environs." Ofcom is satisfied that the proposed changes will not impede the licensee's ability to serve this audience. For these reasons, we have decided to exercise our discretion to approve this change.

June 2023