

Key Commitments change request form

Community radio station name:	Erewash Sound
Licence number:	CR171
Licensee (company name):	Erewash Sound Community Interest Company
Contact name:	Ian Perry
Date of request:	18/02/2023

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: tracks from the 1950s to the present. Specialist music programming also features.	Music. The main types of music broadcast over the course of each week are: popular music from the past and present. Specialist music programming also features.	Whilst the service will continue to play a broad mix of music for the community, removing the specific decade range in the key commitments will allow us the flexibility in the future to remove older eras of music as we move through time.
The service provides original output for a minimum of 11 hours per day.	The service provides original output for a minimum of 70 hours per week.	Moving to a weekly quota for minimum original hours will allow us the flexibility with regards to volunteer availability when planning our programming.
The service provides locally-produced output for a minimum of 13 hours per day	The service provides locally-produced output for a minimum of 70 hours per week.	Moving to a weekly quota for minimum locally-produced hours will allow us the flexibility with regards to volunteer availability. Since COVID-19, we have increased the output that originates from satellite studios, due to volunteers isolating etc. Some of our volunteers reside just outside our official area so their shows won't count as being locally produced.

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)
It is our view that the proposed changes wouldn't alter the character of service at all. The changes focus on flexibility, rather than a want or will to alter the programming output of the radio station day-to-day.	
(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)
As stated in the previous response, it is not our intention to alter the programming output of the radio station. We wish to continue to provide our current programme schedule and range of programmes for the local community.	
(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 (Please explain why below)
The radio station continues to enjoy a loyal listener base within the Erewash area and is supported by many local organisations within it, such as the local authorities, charities and voluntary organisations. This support has been built up providing the service that we currently do and we don't wish to change that.	
(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.

<p>Erewash Sound prides itself in offering training opportunities to the local community. Our Erewash Sound Academy is an incredibly large part of our operation. This is something we view of fundamental value to the organisation and it is something we are looking to grow, rather than shrink.</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>The social gain to the local community by Erewash Sound is through a combination of giving a voice to our local community through our speech output, which we are not requesting to change in anyway and our training operation which we wish to grow.</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) (https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf).

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 changes would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee is requesting to alter its music commitment, to remove a reference to playing music “from the 1950s to the present” and replace it with a commitment to play “popular music from the past and present”. The Licensee has explained that, by removing a reference to a specific decade in its music commitment, it hopes to gain greater flexibility over the music which it plays. The Licensee is also seeking to convert its original and locally-produced output requirements from daily to weekly requirements, from 11 hours per day and 13 hours per day respectively to 70 hours per week in each case. This represents a modest reduction in both the original and locally-produced output requirements, which the Licensee has indicated will also increase its flexibility in the management of its schedule, noting in particular an increase in remote broadcasting since the COVID-19 pandemic.

Ofcom is satisfied that these changes will not substantially alter the character of the programme service provided by Erewash Sound, and that the change will not impact on the Licensee’s ability to deliver its on-air and off-air social gain commitments, particularly given the Licensee’s statement that it wishes to grow its training offering and the fact that the speech output will not be affected by this change. The proposed change to the music policy will not substantially alter the character of the service, as it remains open for the Licensee to continue to play music from older decades where it feels it to be appropriate in its schedule, but gives the Licensee greater flexibility in its choice of music. We note that the Licensee’s character of service refers to the general population of Ilkeston and the surrounding area as its target community, and the new music commitment is likely to appeal to this community as effectively as the previous commitment.

The proposed reductions to original and locally-produced output, and the conversion of each from a daily to a weekly commitment, are modest reductions (9% and 23% reductions respectively). These reductions will allow the Licensee greater operational flexibility without representing a substantial change to the character of the service.

In terms of our policy criteria, Ofcom is satisfied that there are no policy reasons not to approve this change, and that the Licensee will continue to provide a service which meets the characteristics of a community radio service. We have therefore decided to exercise our discretion to approve these changes.

March 2023