

Key Commitments change request form

Community radio station name:	Harborough FM
Licence number:	CR000013
Licensee (company name):	HFM Radio Ltd
Contact name:	Chris Jones
Date of request:	30/1/2023

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 output1 for a minimum of 12 hours per day.	The service provides original output1 for a minimum of 84 hours per week.	This change is purely to mitigate the consequences of unexpected circumstances or events affecting our original output for a short period of time.
The service provides locally-produced output2 for a minimum of 13 hours per day.	The service provides locally-produced output2 for a minimum of 91 hours per week.	This change is purely to mitigate the consequences of unexpected circumstances or events affecting our locally produced output for a short period of time.

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)
The character of the service would not be altered because we would strive to deliver exactly the same output – but average the guaranteed hours over a week as opposed to a 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)
The range of programmes available would not be narrowed as our output will not change.	
(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)
We know that our listeners enjoy our current output. We have no reason to believe that these changes will have any impact on our programmes whatsoever.	
(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)
Access to our facilities and training at the station will remain unaffected by these changes.	

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?	NO (Please explain why below)
These changes would not hinder our ability to deliver our social gain objectives. Our day to day activities will remain unaffected.	

<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>
<p>We are proud of the fact that we consistently more than meet our key commitments. The past couple of years however has made us mindful of the fact that circumstances beyond our control could potentially affect the output of the station for a short period of time. Possible circumstances could include pandemics, equipment failure or any other sudden unplanned events. We would always endeavour to put plans in place to meet our key commitments despite any difficulties that may arise, and we believe that averaging our original hours and local hours over a week rather than per day would enable to be confident of meeting these consistently.</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 changes would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee is requesting to convert its current daily requirement for the provision of original output and locally-produced hours to a weekly commitment, to give it more flexibility in the case of short-term issues with presenter availability by meeting its commitments over the course of a week rather than each day. Ofcom is satisfied that these changes will not substantially alter the character of the programme service provided by Harborough FM, and that the licensee will continue to be able to deliver its on-air programme service. The changes will also not affect the delivery of the station's off-air social gain commitments.

In terms of our policy criteria, we are 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 judge the extent of the impact of the changes on the character of service to be minimal. We therefore decided to exercise our discretion to approve the changes.

March 2023