

## Key Commitments change request form

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|--------------------------------------|--------------------|
| <b>Community radio station name:</b> | Cinque Ports Radio |
| <b>Licence number:</b>               | CR103150           |
| <b>Licensee (company name):</b>      | Retrocadia Ltd     |
| <b>Contact name:</b>                 | James Clark        |
| <b>Date of request:</b>              | 23/11/22           |

### 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](mailto:broadcast.licensing@ofcom.org.uk)

| <b>Existing Commitment (as in your published Key Commitments)</b><br>Please only include one commitment change per row, and add more rows as necessary into the table. | <b>Proposed revised/new Key Commitment</b>                               | <b>Reason for proposed change</b>   |
|--|--|---|
| The service provides original output for a minimum of 63 hours per week.   | The service provides original output for a minimum of 49 hours per week. | We are proposing a reduction in the committed number of hours per week. We will continue to target 63 hours plus per week of original output but believe that the proposed new commitment reflects an almost inevitable shortfall, created by freeing studio time to train new presenters. We have also lost several presenters recently due to illness and changes to work commitments due to the increased cost of living.<br><br>To put this request into context, one of the FM Community Radio stations near us already has a requirement of 49 hours per week and another one that has a requirement for just 4 hours per day. We will always strive for more than 49 hours per week. |
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## Statutory requirements

Under section 106(1A)(a)-(f) of the Broadcasting Act 1990 (as amended and modified<sup>1</sup>) 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.<sup>2</sup> 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                                   |
| We will continue to broadcast a variety of programming, that will include interviews, news, and speech content. We would still broadcast our specialist music shows hosted by local presenters and continue to play music by local artists. The character of the station would remain the same. |                                      |
| (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                                   |
| There is no other local station in our TSA that plays or offers such a wide and diverse range of music, we will continue to provide a full service to our 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                                  |
| We believe the reduction in original output would have a very small impact on the local community and would not affect the overall output and would not reduce the "localness" of the station.  |                                      |
| (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?   | YES/NO<br>(Please explain why below) |
| There would be no change to this.   |                                      |

<sup>1</sup> As amended by sections 312 and 313 of the Communications Act 2003 and modified by the Community Radio Order 2004.

<sup>2</sup> 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 |
| There is no proposed change to our facilities and their availability to the public   |    |

**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](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.

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

The licensee wishes to reduce its current requirement for the provision of original output from 63 hours per week to 49 hours per week. This change will provide the station with greater flexibility to manage the use of its studio, while it uses the studio to facilitate the training of new presenters for the service. Ofcom is satisfied that this change will not substantially alter the character of the programme service provided by Cinque Ports Radio, and that the licensee will continue to be able to meet its other Key Commitments regardless of this reduction in original output hours.

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 modest. We note that Ofcom previously decided to approve a request from the Licensee to reduce its original hours from 10 hours per day (or 70 hours per week) to 63 hours per week in April 2022. We have taken this into account in relation to our published policy criterion of avoiding 'format creep'. However, we would not consider a single request from this particular licensee to reduce the provision of original output from 70 hours per week to 49 hours per week to represent a substantial alteration to the character of the service. We are therefore satisfied that this request does not constitute an example of 'format creep', although we will be conscious of this issue should this licensee submit any further requests to reduce its hours of original output. We therefore decided to exercise our discretion to approve the change.

*December 2022*