

## Key Commitments change request form

<b>Community radio station name:</b>	Oldham Community Radio
<b>Licence number:</b>	CR000032BA/4
<b>Licensee (company name):</b>	Oldham Community Broadcasting Ltd
<b>Contact name:</b>	Phil Edmonds
<b>Date of request:</b>	6th July 2022

### 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> 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 seven hours per day.	The service provides original output for a minimum of 49 hours per week.	We wish to change from calculating original programming from a daily basis to a weekly basis.  This will give us additional flexibility to accommodate the needs of volunteer broadcasters and ensure we can continue to meet our commitments in cases of last-minute changes to schedules due to volunteer illness, holidays or similar.  It will also ensure that we can better serve our audience by scheduling original programming in the most appropriate slots rather than arbitrarily to meet a daily quota.

## 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 (Please explain why below)
We do not believe that this will substantially alter the character of service as this change will only allow flexibility in the scheduling of individual programmes across the week.	
(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)
We do not believe that these changes would narrow the range of programmes available, as during the course of the week we will still be broadcasting at least the same mix of programmes. The change only facilitates some flexibility of scheduling, which on many occasions will better serve listeners through broadcasting shows at times best suited to the listeners needs.	
(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)
Not tested but we do not believe there will be a material impact on listener experience.	

<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.

(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)
We do not think that these changes would be prejudicial to access to our facilities, more so it will give flexibility to accommodate volunteers at times best suited to them.	
(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)
We do not think that these changes would make any material change to our delivery of social gain.	

<p><b>Please set out below any additional information and/or evidence you wish to provide in support of your proposed changes.</b></p> <p>In particular, you may wish to outline how you think your proposed change(s) fit(s) within Ofcom's <a href="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</a> (<a href="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</a>).</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 <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) – that the change would not substantially alter the character of the service, and for the policy reasons given below.

The licensee is converting its current daily requirement for the provision of original output to a weekly commitment. The change will allow the licensee greater flexibility in delivering the service in cases when there are last minute changes to the programme schedules as a result of volunteer shortages due to illness or holidays. Ofcom is satisfied that this change will not substantially alter the character of the programme service provided by Oldham Community 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.

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 minimal. We therefore decided to exercise our discretion to approve the change.

*October 2022*