

Key Commitments change request form

Community radio station name:	The Cat
Licence number:	CR100139
Licensee (company name):	The Cat Community Radio CIC
Contact name:	Paul Simpson
Date of request:	10 th May 2024

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 output for a minimum of 13 hours per day.	The service provides original output for a minimum of 70 hours per week.	A complaint to Ofcom in the latter half of 2013 highlighted that if one show is missed on any day then the 13 hours per day could be unachievable. On Ofcom advice we submit this change request to ensure that we remain compliant to our 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?	NO (Please explain why below)
The would not change the character of the service provided as it is a precaution against volunteer absence.	
(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)
No it would have no effect	
(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)
As this is more of a regulatory change the community would not be affected or compromised.	
(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.

Would not influence on access or training.	
(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)
This would not be prejudicial to the service provided.	

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).

Please see below your email of 23/01/2024
 01732143

Classification: Confidential

Dear Aidan Goodwin,

Having reviewed the material The Cat Community Radio C.I.C. provided we have decided not to pursue an investigation into whether the following Key Commitment was being met during the week 4 to 10 December 2023:

“The service provides original output for a minimum of 13 hours per day.”

It was noted that The Cat did not meet its original output requirement on 4, 6, 7 and 9 December 2023. These fell short by 4, 2, 1 and 2 hours respectively, as you set out in your response to Ofcom.

Ofcom decided not to pursue an investigation as we are satisfied that the station is now meeting its original output requirement. We took into account that: the Licensee was aware it was not meeting its original output requirement; it set out its immediate steps to resolve this; and the output fell short by only a few hours. We also recognise the efforts The Cat has taken to rectify issues which were preventing it from meeting its original output requirement, including:

- Appointing a new presenter to the breakfast show slot;
- Volunteers completing their overdue training, allowing them to return on-air;
- Updating its absence policy and discussing this with volunteers to support them in the instance of absence;
- Five new volunteers receiving their DBS clearance and starting induction to become presenters; and

- Short term cover being introduced.

Ofcom recognises the strong compliance procedures the Licensee has in place, which prevented it from meeting its original output during the days 4, 6 and 7 December 2023 due to existing presenters having overdue training. We also recognised the need for incoming presenters to have received their DBS clearance and induction, which prevented the station from meeting its original output requirement on 9 December 2023.

As a result, we have decided not to pursue this complaint as, most importantly, we note your dedication to compliance, including up to date training and appropriate clearance for new volunteers. As well as this you have demonstrated that you will hold yourself accountable by monitoring your ongoing compliance with this Key Commitment.

However, if The Cat Community Radio C.I.C. becomes aware that it is failing to meet its original output again, we request that it contacts us directly at broadcast.licensing@ofcom.org.uk. If the Licensee continues to struggle it could consider submitting a [Key Commitment change request](#), to change its output to a weekly requirement rather than daily which would provide flexibility in delivering the required output.

Yours faithfully,
Ofcom Broadcast Licensing Team

Broadcast Licensing & Programme Operations
Broadcasting & Online Content Group

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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>) 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 has requested to convert its original output requirement from a daily to a weekly total. In doing so, it has also requested a modest reduction in the amount of original output it is required to broadcast, from an equivalent of 91 hours per week, to a new total of 70 hours per week. This represents a reduction of roughly one-quarter. The Licensee has submitted this request as a precaution against volunteer absence, which had previously caused it to fall below its requirements. We recognise that the current requirements are relatively high, and that unexpected volunteer absence could cause the Licensee to fall below its requirements, particularly given the current daily requirement. We are generally happy to agree to requests to move from a daily to a weekly commitment, which provides licensees with more flexibility in managing their resources, and in this case are satisfied that the reduction in output is relatively modest.

Having considered this request under our policy criteria we are satisfied that there are no policy reasons to refuse this request. The Licensee will continue to provide a service which meets the characteristics of a community radio service, and we are satisfied that the change will not have a significant effect on the Licensee's delivery of social gain to its target community. We have therefore decided to exercise our discretion to approve this request.

May 2024.