

## Key commitments change request form

<b>Community radio station name:</b>	Hitmix Radio
<b>Licence number:</b>	CR100399
<b>Licensee (company name):</b>	Hitmix Radio Limited
<b>Contact name:</b>	Jane Lythgoe
<b>Date of request:</b>	10.12.18

### 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: [community.radio@ofcom.org.uk](mailto:community.radio@ofcom.org.uk)

Existing commitment (as in your published key commitments)	Proposed revised/new key commitment	Reason for proposed change
<p>The main type of music broadcast over the course of each week are drawn from the <b>1950's to current day.</b></p>	<p>The main type of music broadcast over the course of each week are drawn from the <b>1960's to current day.</b></p>	<p>At the moment we include music from the 1950's into our play lists, but we do not get any requests for music from this decade. There is not much good 50's music in our database. We would still continue to play good records from the 1950's but wish to remove this from our Key Commitments.</p>
<p>The Service provides original output for a <b>minimum of 12 hours per day</b></p>	<p>The Service provides original output for a <b>minimum of 84 hours per week</b></p>	<p>We currently provide 16 hours per day but the change in Key Commitments from daily to weekly is to enable us to use our man-power better during periods of sickness, people suddenly leaving and unexpected events. Currently the struggle to provide the output we usually provide takes time usually used for carrying out other important roles.</p>

## 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?	YES/NO please explain why below
No, we would still play good 50's tracks. And we include a good proportion of 1960's tracks in our daily schedule.	
(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?	YES/NO please explain why below
No – changes are minimal, and on a normal day to day basis we would always strive to meet our schedule of 16 hours live and 14 hours local.	
(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/NO please explain why below
The changes requested will enable our team to always ensure total compliance during periods of unexpected events, sickness, leavers etc. Our Community would still be well served every day. The changes requested are not significant enough to be to the detriment of our community in any way.	

<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?	YES/NO please explain why below
No – our training would not be compromised in any way – it is a totally separate issue. Training is an ongoing an important commitment to ensure good output.	
(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?	YES/NO please explain why below
No - on the contrary. It would mean that our team had a little more breathing space for community outreach than we currently do during periods of staffing issues (sickness, leavers, incidents etc). We have recently gone through a period of significant upheaval and want to ensure that we are ready for any issues that arise.	

**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)

We have asked for two minor changes (one of which is only to help us on an ‘out of the ordinary’ day). The changes we have requested are minimal, as we are still as keen to provide our community with the best service possible.

The other change (leaving 50’s out of the key commitments) is to protect ourselves from a sudden increase in malicious requests for music which could damage our output. We do include good 50’s tracks.

We trust that Ofcom will understand the reasons for these requests and make the changes as requested. Thank you for your time.

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. They will be covering the same amount of original output per week (84 hours) as previously, but will no longer be restricted to 12 hours daily minimum, to enable more flexibility. As the station will continue to provide some 50’s music and will continue with the remaining decades as per their original Key Commitments, the extent of the impact of the change on the character of the service was judged to be low. In reaching this decision, we were also cognisant that Hitmix Radio broadcasts to a wide age group within the community and not specifically to people with an interest in 50’s music.

**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 [www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement](http://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.