

## Key Commitments change request form

<b>Community radio station name:</b>	Radio St Austell Bay
<b>Licence number:</b>	CR000115
<b>Licensee (company name):</b>	Radio St Austell Bay CIC
<b>Contact name:</b>	Robert Wylde
<b>Date of request:</b>	06/06/2022

### 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 12 hours per day	The service provides original output for a minimum 60 hours per week	<p>We would like to change the way our commitment is calculated to a weekly average instead of a daily target. Our schedule covers 7 days a week and on some days we achieve in excess of 15 hours whilst other days, particularly weekends can be much less. This would allow us to achieve our revised commitment of original output over the week rather than for each day.</p> <p>We would also like to propose a reduction in the number of committed hours of original output to 60 hours per week. We will continue to target 84 hours per week but due to an older age range of presenter we have struggled with health problems. We continue to cover as best we can and hope to recruit additional presenters but by reducing our committed hours we can be sure to achieve our key commitment. This will also allow studio time for presenter training and development plus maintenance time.</p>
The service provides locally-produced output for a minimum of 13 hours per day	The service provides locally-produced output for a minimum of 72 hours per week	In line with the change requested for original output, we would also like this

		key commitment to reflect a weekly average and has been reduced to 72 hours per week.

## 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)
There is no proposed change to the character of service or the content of output (music or speech). Our automated output is targeted to reflect the broad range of music reflected in our key commitments. Output is continuous 24 hours day/7days 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 will continue to target 84 hours per week of original output with the same range of programming	
(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 do not believe there would be a material impact on listener experience and will continue to produce original show output to meet our listeners' expectations	
(d) Do you consider that your proposed changes would be prejudicial	NO

<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.

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?	(Please explain why below)
The change to our key commitments would free up time for training new presenters and would increase access by members of our community	
(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)
There is no proposed change to the character of service or to our outreach activity	

<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">published guidance on changes to Key Commitments</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>
<p>RSAB has been broadcasting for over 14 years and no change has been made to its original key commitments. We will continue to deliver the expected service to our community but also be able to increase the training opportunities available for new presenters. We will also be able to deliver more specific and targeted pre-recorded shows (locally produced output)</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.

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 changes 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, while also making a roughly 30% reduction in its total original output, from 84 hours to 60 hours per week. The reason for this request is to allow for greater flexibility in meeting Key Commitments across the course of a week rather than a single day. The reduction in original output will also allow the studio to be accessible more regularly for maintenance and for the training and development of new and existing presenters. Ofcom is satisfied that this change will not substantially alter the character of the programme service provided by Radio St Austell Bay, and the licensee will be able to deliver its on-air programme service regardless of the reduction in original output hours. We are encouraged that the increased availability of the studio for the training of new presenters will assist the station's delivery of its off-air social gain commitments.

The licensee is also converting its current daily requirement for the provision of locally-produced output to a weekly commitment, while making a modest (20%) reduction in its overall locally-produced output from 91 to 72 hours per week. Similarly to the original output request, this is to allow for greater flexibility in the delivery of Key Commitments over the course of a week rather than a single day, and we are satisfied that this reduction will not affect the ability of the licensee to deliver its on-air service.

In terms of our policy criteria, Ofcom is 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 these changes.

*August 2022*