

## Key Commitments change request form

<b>Community radio station name:</b>	Cumbernauld FM
<b>Licence number:</b>	CR102242
<b>Licensee (company name):</b>	Cumbernauld FM Limited
<b>Contact name:</b>	Thomas Marshall
<b>Date of request:</b>	1st August 2023

### 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: <a href="mailto:broadcast.licensing@ofcom.org.uk">broadcast.licensing@ofcom.org.uk</a> Existing Commitment (as in your published Key	Proposed revised/new Key Commitment	Reason for proposed change
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<b>Commitments)</b> Please only include one commitment change per row, and add more rows as necessary into the table.		
The service provides original output1 for a minimum of 84 hours per week.	to broadcast from 84h per week to 54h per week.	<p>Since the pandemic happened and now the cost-of-living crisis Cumbernauld FM has been finding it impossible to reach 84h per week as both have severely affected the availability of volunteers.</p> <p>These hours were the planned before the pandemic, etc happened and as a small town with limited resources and individuals available (and despite running multiple free radio training courses over the last 16 months) reaching 84h pw is not being met and thus investigations by Ofcom have found the station in breach, therefore we have no other options left except to request a change to 54h per week which we believe we will be able to maintain.</p>
The service provides locally-produced output2 for a minimum of 84 hours per week.	to broadcast from 84h per week to 54h per week.	For the reasons stated above
Programming is in English, with Gaelic, European and Indian Sub-continent languages.	Programming in English	With current pressures on recruiting new volunteers, and past difficulties recruiting in this area we would request this commitment be revised at

		this stage.

### Statutory requirements

Under section 106(1A)(a)-(f) of the Broadcasting Act 1990 (as amended and modified) 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. 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. (a) In your judgement would the proposed changes substantially alter the character of the service?	
NO - Since the pandemic we have lost volunteers and are finding it difficult to introduce programmes other than music only. We want to reflect more quality programming and introduce more programming that reflects our target audience. This will enable us to build on the Pilot we created with local schools that include senior, primary and special needs this past year.	

<p>a. (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?</p>	
<p>No - Currently where there is no presenter available, we have automation. However, there is a small amount of feedback from the public stating they appreciate the diversity of music played on Cumbernauld FM.</p>	
<p>a. (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?</p>	
<p>Yes and No - The reason for this has been brought upon by factors outside of our control, a previous volunteer has made great efforts to sabotage the tremendous work the station, directors, presenters and volunteers loyal to the station. It has been extremely difficult to recruit long term dedicated presenters partly due to this.</p> <p>We have a partnership with the local college where we deliver training to the community and have found on a few occasions that as soon as they reach the end of the training and even during training volunteers have had to leave for personal reasons. Sometimes its health, sometimes financial or other reasons. This has been the greatest frustration for the station. We are now in our third year with the college (first year was delivered thru online due to pandemic) We strongly believe there is staunch support for wanting to take part in the station. Recently we have had a young volunteer come on board who is going to college in Glasgow 15 miles away yet lives locally and will remain with the station but officially cannot be registered through CFM and the New College Lanarkshire partnership. And we received an email from a bus driver wanting to join the station. But the counter to that is we have an excellent young presenter having to quit after two years to look after her father who is ill. This is what we are constantly having to deal with.</p>	
<p>a. (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?</p>	
<p>No - Any changes would increase the quality and diversity of the programming and allow the volunteers to focus on taking the station forward. We have no wish to be in breach of the KCs, we wish to meet them and focus the energies at the station on involving and serving the community.</p> <p>We have done this in several ways aside from our FM broadcasts. For example, we recently worked the main stage at the Cumbernauld Gala Day and feedback from that was extremely positive with the chair of the committee stating it was the best they ever had.</p>	

We produced the living history project (with Vanl) which involved many local people and organisations on video and audio (currently on display at Cornerstone house and moving back to the Cumbernauld library in September)

Our Characters in the Community project recently did several parties for young children

These are just examples of some of the things we involve the public in.

a. (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 - Again like above we strongly believe these changes will help the station from not falling foul of beaches. we will be able to maintain these hours of change. We will also be able to improve the quality of our programming. We will also reflect on the diversity of the target community and introduce diversity in our programming to cater for different languages.

**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)).

The station has been subject to vexatious attack from a former volunteer (and his friends) who had to be let go due to the safety and security of the station, volunteers, GDPR and the Ofcom broadcasting code. However, it has been known to the management team that his attitude toward the station and its volunteers has been to cause as many issues as possible. However, we have risen above this individual and over the last year been trying to build the stations capacity.

We have in the past been unsuccessful in Ofcom Community Fund grants to allow us to build the stations capacity, and to allow us to move the station in a positive direction

We were successful in receiving two grants. Awards for All, (£9K) and VANL (£45K) to enable the station to employ staff for historical project within the community of which the project has now come to an end, but the exhibition is now active across the community of Cumbernauld. Ideally, we want to increase these funds for future from different funders and also increases our quality of the station to recruit more local businesses to support the station.

This request change was explained last year when Ofcom was looking into delivery of hours per week (previous complaint) however we failed to realise there was a form for this online. We hope we will not be found guilty of any more breaches in future or receive any penalties and that this request for change of hours will be granted.

### **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 is requesting to convert its Key Commitments on original output and locally-produced output. These changes, from 84 hours per week to 54 hours per week, would represent a reduction of approximately 36%. In requesting these changes, the Licensee has stated that it reflects a reduction in available volunteers in the aftermath of the Covid-19 pandemic. The Licensee has also stated that it has been actively recruiting for volunteers.

While this is a relatively large reduction, we are nevertheless satisfied that the Licensee will continue to broadcast a range of different programmes over the course of each week. We also do not believe that this change would affect the Licensee's ability to provide a service for its target community of the population of Cumbernauld and the surrounding area. Similarly, we are satisfied that, if we agree the change, the Licensee will continue to be able to meet the characteristics of a community radio station while broadcasting a minimum of 54 hours of original output per week.

The Licensee has also requested to alter its languages of programming from "Programming is in English, with Gaelic, European and Indian Sub-continent languages" to "Programming in English" only. In requesting this change, the Licensee has advised that due to a challenging climate for recruiting volunteers, it is currently unable to meet this aspect of its Key Commitments. While such a change could clearly have the potential to represent a substantial change to the character of the Cumbernauld FM service, we note the Licensee's stated intention to "reflect on the diversity of the target community and introduce diversity in our programming to cater for different languages". Given it is also the case that the Licensee will remain under an obligation to "reflect the tastes and interests of the local community" and provide "a voice and community resource", we would therefore expect the provision of programming in languages other than English to be reintroduced (via a further Key Commitments change request) as and when suitable volunteer resource becomes available.

Taken as a whole, Ofcom is satisfied that these changes will not substantially alter the nature of the character of the programme service provided by Cumbernauld FM. The changes should have no impact on the Licensee's ability to deliver its off-air social gain commitments, and we consider that 54 hours per week of original and locally-produced programming should be sufficient to enable it to continue providing the on-air service set out in its Key Commitments. The removal of the current requirements to broadcast in languages other than English has the capacity to have a more significant impact, but we recognise the challenges in recruiting volunteers and are satisfied the Key Commitments will still place a responsibility on the station to reflect the tastes and interests of everyone in its broadcast area.

In terms of our policy criteria, Ofcom is satisfied the change will not affect the station's ability to meet the community radio 'characteristics of service' set out in the legislation, and there are no other policy reasons to refuse the change. We have therefore decided to exercise our discretion to approve this change.

September 2023