



## Chorley FM

Request to change key commitments

Consultation

Publication date: 16 September 2015

Closing date for responses: 13 October 2015

# About this document

Ofcom has published this consultation document following a request from Chorley FM, which holds a community radio licence for Chorley, to change the key commitments of its service Chorley FM.

The station's key commitments describe the programme service, social gain objectives, access and participation, and accountability to the target community which it is required to provide, and forms part of the station's licence.

Chorley FM wishes to make changes to a number of its key commitments. These are under the headings 'community to be served', 'character of service', 'programming' and 'social gain objectives'.

A request for a key commitments change can only be approved by Ofcom if it satisfies at least one of the five criteria set out in the Broadcasting Act 1990. As the departure would substantially alter the character of service, we are required by statute to consult on the request.

The consultation closes on at 5pm on Tuesday 13 October 2015.

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## Section 1

# Details and background information

- 1.1 Ofcom has received a key commitments change request from Chorley FM, which holds a community radio licence for Chorley, with regard to its service 'Chorley FM'. Chorley FM's target community is defined in its licence as: "The young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community of Chorley".
- 1.2 The station commenced broadcasting in November 2006, and in May 2011 the licence was extended by five years to 23 November 2016. The station made some changes to its key commitments in January 2013 (<http://stakeholders.ofcom.org.uk/binaries/broadcast/radio-ops/key-commitment-changes/chorley-fm.pdf>).
- 1.3 Chorley FM refers in its request form to a request to change its key commitments submitted in late 2014 and declined by Ofcom. Documents relating to that request can be found at: <http://stakeholders.ofcom.org.uk/consultations/chorley-fm/>.
- 1.4 Chorley FM has now submitted a further request to make changes to a number of its key commitments. These are under the headings 'community to be served', 'character of service', 'programming' and 'social gain objectives'.
- 1.5 The current key commitments are appended to this document as annex 6. They can also be viewed on the Ofcom website here: <http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000025.pdf>.
- 1.6 Chorley FM has requested a number of changes, and a copy of its key commitments change request form is appended to this document as annex 5.
- 1.7 To aid understanding of the effect of the proposed changes, a version of Chorley FM's key commitments with the proposed changes 'tracked' in the document (i.e. showing what Chorley FM has asked to be removed, and what it has requested to be added) is appended to this document as annex 7.

## Statutory framework and considerations

- 1.8 Community radio services are licensed under the terms of three different pieces of legislation: the Community Radio Order 2004 (as amended by the Community Radio (Amendment) Orders of 2010 and 2015), and the Communications Act 2003 and Broadcasting Act 1990 as amended by the three aforementioned Orders ('the legislation'). The legislation sets out requirements that must be met in order for radio services to qualify as 'community radio services', including that such services are non-profit-distributing, are provided for a target community, deliver social gain objectives, invite access and participation in the service, and are accountable to the target community.
- 1.9 Section 106(1) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004) requires that community radio licences include such conditions as appear to Ofcom to be appropriate for securing that the character of the licensed service (as

proposed by the licence holder when making its application) is maintained during the period for which the licence is in force.

- 1.10 The way section 106(1) applies in practice is that when a prospective licence holder applies for a community radio licence, it must set out its proposals as to the character of the service it intends to provide. Those proposals are summarised in what is known as a 'key commitments' document, which then forms the basis for the terms and conditions contained in the licence regarding the 'character of the service' and its delivery. Such terms and conditions are agreed with each licensee before the station starts broadcasting. (The 'licensee' is the organisation which holds the community radio licence.)
- 1.11 The key commitments document includes:
- a description of the community to be served;
  - a summary of the character of service (a short description of the station's aims);
  - a description of the programme service;
  - social gain objectives (including how the station will satisfy the mandatory social gain requirements set out in the legislation, and any other social gain objectives of the service);
  - access and participation arrangements; and
  - mechanisms to ensure accountability to the target community.
- 1.12 In determining the licence conditions that should be included in a licence under section 106(1) of the Broadcasting Act 1990 (as modified), section 106(1A) provides that Ofcom may, in particular, include conditions that enable it to consent to a "*departure from the character of the licensed service*" (or, in other words, the key commitments) should a licence holder subsequently request such a change. Licence Condition 2(5), contained in Part 2 of the Schedule to each community radio licence, makes provision for subsequent changes to a licensee's key commitments. Before Ofcom can give its consent it must be satisfied that one of a number of statutory criteria has been fulfilled (as set out in further detail below). However, the legislation also gives Ofcom discretion not to consent to a proposed change, even if one of these criteria is satisfied.
- 1.13 Under section 106(1A) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004), Ofcom may consent to a change to key commitments only if it is satisfied that *at least* one of the following five statutory criteria is satisfied:
- that the departure would not substantially alter the character of service* (section 106(1A)(a));
- that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community* (section 106(1A)(b));

*that there is evidence that, among persons comprising that community, there is a significant demand for, or significant support for, the change that would result from the departure (section 106(1A)(d));*

*that the departure would not 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 (section 106(1A)(e)); or*

*that the departure would not be prejudicial to the delivery of social gain resulting from the provision of the service provided under that licence (section 106(1A)(f)).*

- 1.14 The legislation refers to changes to the ‘character of service’. We consider that this should include everything that is set out in each service’s key commitments section of its licence (i.e. this goes beyond the sub-section in the key commitments document entitled ‘character of service’ to encompass the entirety of the key commitments annex to the licence).
- 1.15 Even if Ofcom is of the opinion that the proposed changes satisfy one or more of the statutory criteria above, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed changes. The additional criteria to which Ofcom will have regard when exercising this discretion can be found at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/radio-ops/kc-changes-guidance.pdf>.
- 1.16 It is our view that the changes proposed by Chorley FM are ‘substantial’, because, taken as a whole, they would be likely to impact on the focus of the service and its target community, moving away from serving young people and the LGBT community, and towards a service more focused on serving the general population of Chorley. As a result, we do not consider that Chorley FM’s request meets criterion (a) – that the departure would not substantially alter the character of service. Therefore, in accordance with section 106ZA of the Broadcasting Act 1990, we are consulting on the request.
- 1.17 When considering whether criterion (b) is satisfied (the change would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community), neither local DAB services nor BBC services ‘count’ as relevant independent radio services. The relevant independent radio services are those local analogue commercial and community stations which operate in the area, which are listed in Annex 8.
- 1.18 The key commitments change request submitted by Chorley FM is at Annex 6. It includes arguments that
- the proposed changes would not substantially alter the character of service that the station currently provides to persons comprising the relevant community and therefore criterion (a) (of section 106(1A)); is satisfied;
  - the proposed changes to the output would not narrow the range of programmes available by way of independent radio services to persons comprising the relevant community and therefore criterion (b) (of section 106(1A)); is satisfied;

- there is evidence that, amongst persons comprising the relevant community, there is demand and support for the proposed changes, and that therefore criterion (d) (of section 106(1A)); is satisfied;
- the proposed changes are not prejudicial to access to, and training in the use of, the service's facilities, and that therefore criterion (e) (of section 106(1A)) is satisfied;
- the proposed changes would not be prejudicial to the delivery of social gain resulting from the provision of the service, and that therefore criterion (f) (of section 106(1A)) is satisfied.

1.19 We are seeking views on the request, having particular regard to the criteria set out in Section 106(1A) (b), (d), (e) and (f) of the Broadcasting Act 1990 (as modified).

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Tuesday, 13 October 2015**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at: <http://stakeholders.ofcom.org.uk/consultations/chorley-fm-change-request/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses – particularly those with supporting charts, tables or other data – please email: [susan.williams@ofcom.org.uk](mailto:susan.williams@ofcom.org.uk) attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below:
- Chorley FM consultation  
F.A.O. Soo Williams  
Manager, Community Radio  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the question asked in this document, at Annex 4. It would also help if you can explain why you hold your views and how the proposals would impact on you.

## Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Soo Williams directly on 020 7783 4319.

## Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response



should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/terms-of-use/>

### Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

### Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is as easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HQ

Tel: 020 7981 3601

Email [graham.howell@ofcom.org.uk](mailto:graham.howell@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

### During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

### After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title: Chorley FM consultation

To (Ofcom contact): Soo Williams

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	<input type="checkbox"/>

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here. ☐

Name

Signed (if hard copy)

## Annex 4

# Consultation question

*Q1. Should Chorley FM be permitted to make its proposed changes to the key commitments of Chorley FM, with particular regard to the statutory criteria set out in Section 1 of this consultation document? (Section 106 (1A) of the 1990 Broadcasting Act, as modified by the Community Radio Order 2004).*

## Annex 5

# Key commitments change request form

<b>Community radio station name:</b>	Chorley FM
<b>Licence number:</b>	CR025
<b>Licensee (company name):</b>	Chorley FM Ltd.
<b>Contact name:</b>	Steven Normyle
<b>Date of request:</b>	10 <sup>th</sup> July 2015

## 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.

<p>Please complete this form and return it to: <a href="mailto:community.radio@ofcom.org.uk">community.radio@ofcom.org.uk</a> <b>Existing commitment (as in your published key commitments)</b></p> <p>Please only include one commitment change per row, and add more rows as necessary into the table.</p>	<p><b>Proposed revised/new key commitment</b></p>	<p><b>Reason for proposed change</b></p>
<p>Community to be served. The young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community of Chorley.</p>	<p>Community to be served. The population that live, work and study in Chorley and to include targeted content for the young people of Chorley (15-25 years of age) and the lesbian, gay, bisexual and transgender community.</p>	<p>The primary aim of the founders was to set up a station for the young adult population of Chorley. It was also an aim to serve the LGBT community who at the time were perceived as a discriminated against, and under represented group.</p> <p>It has proved impossible to produce general programming which only appeals to the stated age group. Even our most esoteric dance music output intended for 15-25s has a following with a wide age range and the majority of dance presenters themselves are now older than 25. It was a mistake to assume the taste of our audience was linked to their age.</p> <p>The wording infers the station is 'exclusively for' rather than 'inclusive of' the LGBT community. The intention was to be inclusive, providing a service for this group, without excluding and discriminating against the wider population. That is not how this statement reads. The proposed change of wording allows us to be inclusive and serve all our listeners without being discriminatory.</p> <p>We have historically achieved, and continue to propose very specific programming in our weekly schedule for both of the highlighted community groups and the proposed changes will retain that commitment whilst promoting positive inclusion of these target groups rather than positive discrimination to the wider community of the borough.</p>

		<p>The commitment to serve the 15-25 community here and the one to serve the wide range of ages within the music commitment are contradictory if both are to be met across the schedule. This again can be easily rectified by acknowledging the target group in specific, targeted programming in our weekly broadcast schedule.</p>
<p>Character of service</p> <p>Chorley FM serves Chorley's youth (those aged between 15 and 25) in targeted community safety areas and Chorley's Lesbian, Gay, Bisexual and Transgender (LGBT) Community. It is committed to having a positive effect and bringing about changes to the educational and cultural development of these communities.</p>	<p>Character of service</p> <p>Chorley FM serves the population of Chorley with a diverse and inclusive range of music and speech based programming. It is committed to have a positive effect and bring about educational enrichment and cultural development, promoting positive inclusion across all broadcast output.</p> <p>Young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community will be served in specific programme content within the weekly broadcast schedule.</p>	<p>Political pressure was influential in including certain wording such as the phrase 'Chorley's youth (those aged between 15 and 25) in targeted community safety areas'. This refers to a local government initiative that was relevant at the time.</p> <p>'Targeted community safety areas' was part of an initiative that was discontinued some years ago so the character of service needs amending to reflect this change. The age range is too restrictive a group to include in the character of service as producing sufficient content across the schedule with such a tight focus has proved not possible.</p> <p>We intend to continue to produce specific output for LGBT people but the amount of content it is possible to produce with volunteer presenters does not fit the current character of service definition. We have a number of volunteers who identify as LGBT, but some serve in non-presenting roles, or do not wish their involvement with the station to be defined by their sexual orientation or gender identity. Thus it has not proved possible to fill more than a small number of shows or provide sufficient content across the schedule to serve LGBT people in the manner originally envisaged.</p> <p>The revised wording reflects this, but retains a commitment to serve both groups within the local community.</p>



<p>Programming</p> <p>Programming includes a choice of programmes encouraging social group activity and catering for the demand for “Underground” abstract music not covered by existing stations in the locality; the station does not broadcast programmes consisting of continuous current or recent chart music.</p>	<p>Programming</p> <p>Programming includes a diverse range of programmes which includes catering for the demand for “Underground” abstract music not covered by existing stations in the locality. Programming for diverse musical tastes, young people and other minority groups will be accommodated in the evening schedule where appropriate.</p> <p>To support financial sustainability, the daytime output is typically a more commercial format, encompassing music of popular culture and an emphasis on community content.</p>	<p>The phrase ‘encouraging social group activity’ is too vague and it is unclear what was intended by its inclusion, so we have proposed its removal. The clarification of the difference between daytime and evening programming is to avoid the assumption adopted in the recent investigation that content will be uniform across the schedule.</p> <p>The wording clarifying the daytime format is self explanatory. The commitment not to broadcast continuous current or recent chart music makes little sense for a station with such a wide music commitment. Its inclusion has caused problems and some young presenters left the station for being denied chart music to play on the back of this commitment. We propose that the phrase is removed.</p> <p>The commitment to ‘community content’ recognises the important role of community broadcasting to local communities – interviews with local charities, community organisations and the business community have historically, and continue to prove extremely popular and deliver significant benefit to the community we serve. As such, it makes sense that this be documented as a formal commitment in our license.</p>
<p>Live programming typically comprises 75% music and 25% speech during peak daytime hours ('speech' excludes advertising, programme / promotional trails and sponsor credits).</p>	<p>Daytime programming typically comprises 80% music and 20% speech. ('speech' excludes advertising, programme / promotional trails and sponsor credits). It may include recorded interviews or other recorded content.</p>	<p>The word ‘Live’ has been changed for ‘Daytime’. In the current environment it is difficult to find volunteers with availability for every daytime slot. Recent re-broadcasts of community interviews have been enormously popular and are much preferred to automated music. Naturally live shows are preferred but if presenters can prepare content when they are available it will help with daytime speech content no end. The 75-25% split has been adjusted. While this is comfortably achievable under normal</p>

		circumstances the commitment must be set to an achievable short term minimum.
Speech output includes community information, local news and weather, interviews with representatives of local community groups, events diary, local traffic and travel information as well as relevant features for the target community, including national and regional LGBT community news, and other general interest material.	Daytime Speech output typically includes community information, local news and weather, interviews with representatives of local community groups, events diary, local traffic, travel information and other general interest material. Evening and Specialist shows will typically deliver information and relevant features to the intended target audience, for example musical background and local events in specialist music shows. Targeted programming for young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community would feature as specific content in this section of the weekly broadcast schedule, alongside other targeted programming.	The daytime output has evolved to be different from the evening output and this is not defined at present. As previously stated it is not practical to produce LGBT content in sufficient quantities to meet the commitment across the schedule. LGBT content was always intended for specialist shows, not general output. The inclusion of the word 'typically' allows for operationally necessary interruptions to a particular type of output without breach of the commitment.
Music output typically includes a range of genres such as house, trance and dance, plus other genres such as Classic Rock, Death Metal, Classic Pop, Local Bands, Folk, Country, Jazz-Funk, Soul, Motown, and Reggae. In output for the LGBT community music from across the spectrum reflects the wide range of ages and musical interests. There are also opportunities to hear local unsigned bands and DJs as well less commercial music.	Specialist and evening music output typically includes a range of genres such as house, trance and dance, plus other genres such as Classic Rock, Death Metal, Classic Pop, Local Bands, Folk, Country, Jazz-Funk, Soul, Motown, and Reggae. There are also opportunities to hear local unsigned bands and DJs as well less commercial music. Typically, daytime output is more commercial in nature consisting of a mix of contemporary and historic popular music.	The change clarifies the differing musical style of the evening and daytime output. With such a wide music commitment, it is important to clarify where the genres will fit within the schedule so there is no assumption all genres will be a feature of the whole schedule. The removal of the commitment to the LGBT community reflects the fact that music from across the whole spectrum is not and cannot realistically be provided. Classical music, jazz and opera are just a few of the many, many genres that are not represented routinely.
Social Gain objectives  The station invites community leaders and representatives of community groups to instigate	Social Gain objectives The station invites community leaders and representatives of community groups to instigate and contribute to discussion and	The phrase 'including young people and LGBT people' has been removed as the commitment is relevant to the whole community. Both groups are part of the whole community so are included

and contribute to discussion and debate on issues affecting the community, including young people and LGBT people	debate on issues affecting the community.	in the commitment by default.
The station encourages the use of discussion and interviews with guests on a wide range of LGBT – related and other topics. Listeners are encouraged to give their views on the topic by e-mail, text messages, social networking sites or by phone.	The station encourages the use of discussion and interviews with guests on a wide range of topics. Listeners are encouraged to give their views on the topic by e-mail, text messages, social networking sites or by phone.	The specific reference to LGBT - related topics has been removed. It is simply not possible to include a wide range of LGBT related topics across the schedule as there are not enough LGBT guests or contributors available for even a small range of topics to be discussed. The purpose of social gain activity should be inclusive of all community members and should therefore be representative of positive inclusion and not positive discrimination. There continues to be an absence of any organised LGBT community groups anywhere within the borough of Chorley from which to draw such contributors.
The station has links with local educational institutions and seeks to provide volunteer opportunities for students interested in radio.	The station has links with local community, business and educational organisations and provides volunteer opportunities for people interested in radio	Opportunities are provided to employers, community and other groups. Not just educational establishments so the current definition is too narrow. We don't just seek to do it. We do it. The proposed wording reflects this.
Links between Chorley FM and workers who serve its target communities help the station become better informed about the needs of the communities and reach individuals who wish to volunteer with the station and benefit from training and other opportunities.	Links between Chorley FM and workers who serve the community help the station become better informed about the needs of the community and reach individuals who wish to volunteer with the station and benefit from training and other opportunities.	The words 'its target community' is replaced by 'the community'. We target the whole community and work with the council and others who serve the whole community.
The station maintains links with a wide range of local organisations including those involved with its two target communities and promotes not-for-profit groups, community events and welfare services	The station maintains links with a wide range of local organisations and promotes not-for-profit groups, community events and welfare services.	Tidied to reflect the commitment to serve the whole community.

Open board meetings are held at least bi-monthly and all volunteers have the option of attending these meetings. The station actively seeks representation from Chorley Council and local organisations, including youth and LGBT organisations, at these meetings in order to develop participation and ownership of the station by the whole community and by groups serving its particular target communities.	Open board meetings are held at least quarterly and all volunteers have the option of attending these meetings. The station actively seeks representation from Chorley Council and local community organisations at these meetings in order to develop participation and ownership of the station by the whole community.	Open Meetings promote ownership and participation but prolong meetings and delay decisions. Quarterly open meetings should give a better balance between open management, accountability and ownership and the need to get through the business of running the station. The reference to representation from specific organisations has been removed as there are no known LGBT groups to invite within the borough of Chorley.
Representatives of Chorley Council and community organisations, including youth and LGBT organisations, are invited to attend the station's Annual General Meeting. An independent Community Panel helps monitor the station's output and activities and meets two or three times a year to offer feedback and suggestions for development.	Representatives of Chorley Council and community organisations are invited to attend the station's Annual General Meeting.	The words 'youth and LGBT organisations' have been removed. Both are included within the definition of community organisations. In any case there are no known LGBT groups to invite. The independent community panel has proved impossible to organise and is not achievable so the wording is proposed to be dropped.
Feedback is discussed at Board meetings, changes implemented where appropriate and published if necessary.	Community, listener and other feedback is discussed at Board meetings, changes implemented where appropriate and published if necessary.	In the absence of the independent community panel the board will process feedback from basically all sources.

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.

<b>a) In your judgement would the proposed changes substantially alter the character of the service?</b>	<b>Yes please explain why below</b>
The changes will not significantly alter the character of the service we actually provide. It will however change the published 'character of service' in line with current circumstances and what is practically achievable. The proposed changes remove multiple instances of ambiguity, inaccuracies and unachievable aspirations built into the Key Commitments which contributed to the determination of breaches following the recent investigation.	
<b>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?</b>	<b>NO please explain why below</b>
The range of programming provided will not change as a result of the proposed changes.	
<b>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?</b>	<b>YES please explain why below</b>
Following the determination of breach feedback was sought from both the wider community and people identifying themselves as part of the LGBT community. It is clear that many within both groups view the positive discrimination built into the key commitments as outdated and unwelcome. There is a strong desire from some LGBT responders to be treated as part of the mainstream rather than as a minority.	
<b>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?</b>	<b>NO please explain why below</b>
Absolutely not. Integration of adults of any age, culture, gender or orientation within the station is total.	

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
<p>Absolutely not. Our social gain achievements have attracted the attention of senior politicians including Mr Iain Duncan Smith who was sufficiently impressed to spend half a day with us. Social gain, training and education are fundamental to the ethos of the station. It is our view that our ability to deliver social gain will be further enhanced by these proposals as it will clarify the station is not a niche or minority interest organisation.</p>	

**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 ([www.ofcom.org.uk/radio/ifi/rbl/commun\\_radio/crri/crregulation/](http://www.ofcom.org.uk/radio/ifi/rbl/commun_radio/crri/crregulation/)).

These extensively rewritten proposals are submitted following our previous Key Commitment change request submitted late 2014, the subsequent decline by the Ofcom board as published mid 2015, and in response to the 2014 Ofcom investigation and 'in breach' finding.

The board fully accepted the investigation's conclusions, and remain committed to finding a workable solution that meets the needs and requirements of the local community.

The breach in respect of the speech to music ratio was not unexpected for the reasons stated in our representations to the investigation at that time. Management and operational changes have improved matters and the small adjustment proposed to the ratio within the commitments will prevent and further breach.

The original commitments were produced including input from political representatives, minority groups and individuals. The resulting document specifying ambitious commitments exclusively to two rather small groups was a mistake. From day one, the station simply could not provide programming exclusively for these groups. The key commitments have also somewhat side-lined the station as successive town councils have taken the view the station is a niche organisation rather than for the whole community and this has been a constant obstacle to effective co-operation.

As mentioned in our representations to the investigation, it was never the intention to serve those groups exclusively anyway. The intention was to serve the younger adults of Chorley with special output for the groups specified. The station ethos was, and remains to promote positive inclusion, but the current key commitments unfortunately prove to create a sense of positive discrimination, through the exclusion, or sense of exclusion to the wider community.

The finding of breach of the young peoples commitments was however unforeseen. Established custom and practice inherited from previous station management was assumed to be compliant and the fact the key commitments had become factually outdated had gone un-noticed.

The inclusion to serve 'Chorley's youth (those aged between 15 and 25) in targeted community safety areas' was political. The Community Safety Areas were wound up by local government some years ago and producing programming across the schedule to appeal exclusively to 15 - 25s is just not possible. The 'youth' commitment historically has been addressed by the general tone of programming and choice of music as well as specialist evening programming produced by and for young adults. However this approach does not meet the criteria for inclusion in the

character of service and left us in breach of licence. The station has a young feel but has plenty of older listeners too. It is now our view the 15-25 age limit is unrealistically restrictive. As we cannot produce programming exclusively to appeal to this group across the schedule, the proposed commitments broaden our community to be served to include the whole age range, whilst retaining a commitment to some programming for young people as part of our evening schedule.

This is a proven formula for the station, and we are keen to see this success adopted into the wording of our key commitments.

The findings of breach of the LGBT and social gain commitments were also unexpected. The management has always aimed to meet the commitments and felt the Station had always achieved compliance through specialist and targeted evening programming. Again this approach was found to be inadequate and a breach of licence conditions.

After the breach decision the board attempted to meet Ofcom's criteria for compliance. It very quickly became obvious with a workforce of volunteer presenters, even with a number who identify as LGBT, that it is not possible to fill the whole schedule with content relevant to that community. In fact a number of LGBT volunteers have expressed opinions that the commitments are now outdated and discriminatory and positively declined to present targeted shows.

In the previous consultation period, and resulting outcome of the request, it was interesting to note the boards comments regarding a perceived lack of response from the LGBT community, which contradicts our sense and understanding of opinion gained from our contact with LGBT volunteers, and the views expressed by those members of the LGBT community that came forward during the consultation period.

As a result of the fact that it is not possible to produce LGBT programming across the entire schedule we propose the rewording of this group in the 'character of service' and other commitments, again the aim to inclusively serve this group as part of the whole community. We recognise that the commitment should be purposely and honestly reflected in our license conditions, but equally recognise and propose that the current wording sets an unachievable level of expectation upon the station.

It is still our intention, and will remain our intention to serve the LGBT community with the successful and well regarded news and entertainment show 'Breakout' and other specialist shows when possible.

The proposed amendments provide an achievable framework for serving the whole community, without giving unworkable priority within the commitments to the two groups. There is no intention to reduce the programming for these groups. The intention is to adjust the commitments to match what we can realistically achieve and remove the inaccuracies and ambiguity.

## Annex 6

# Chorley FM's existing key commitments

<b>Station name</b>	Chorley FM
<b>Community to be served</b>	The young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community of Chorley.
<b>Licence area</b>	Chorley (as shown in the licensed coverage area map)
<b>Frequency</b>	102.8 MHz

## Character of service

Chorley FM serves Chorley's youth (those aged between 15 and 25) in targeted community safety areas and Chorley's Lesbian, Gay, Bisexual and Transgender (LGBT) Community. It is committed to having a positive effect and bringing about changes to the educational and cultural development of these communities.

## Programming

Programming includes a choice of programmes encouraging social group activity and catering for the demand for "Underground" abstract music not covered by existing stations in the locality; the station does not broadcast programmes consisting of continuous current or recent chart music.

- Live programming typically comprises 75% music and 25% speech during peak daytime hours ('speech' excludes advertising, programme / promotional trails and sponsor credits).
- Speech output includes community information, local news and weather, interviews with representatives of local community groups, events diary, local traffic and travel information as well as relevant features for the target community, including national and regional LGBT community news, and other general interest material.
- Music output typically includes a range of genres such as house, trance and dance, plus other genres such as Classic Rock, Death Metal, Classic Pop, Local Bands, Folk, Country, Jazz-Funk, Soul, Motown, and Reggae. In output for the LGBT community music from across the spectrum reflects the wide range of ages and musical interests. There are also opportunities to hear local unsigned bands and DJs as well as less commercial music.
- The service is typically live for at least 8 hours a day (live programming may include pre-recorded inserts, if applicable) and broadcast for at least 16 hours a day. The majority of output will be locally produced; some programming may be produced by other community radio groups or individuals.

## Social gain objectives

- The station invites community leaders and representatives of community groups to instigate and contribute to discussion and debate on issues affecting the community, including young people and LGBT people



- The station encourages the use of discussion and interviews with guests on a wide range of LGBT – related and other topics. Listeners are encouraged to give their views on the topic by e-mail, text messages, social networking sites or by phone.
- Members of the local community are invited to volunteer at the station and receive free radio skills training which normally includes microphone and presentation skills, programme planning, and sound engineering. The station's facilities and training are accessible to people with disabilities.
- The station has links with local educational institutions and seeks to provide volunteer opportunities for students interested in radio.
- Links between Chorley FM and workers who serve its target communities help the station become better informed about the needs of the communities and reach individuals who wish to volunteer with the station and benefit from training and other opportunities.
- The station maintains links with a wide range of local organisations including those involved with its two target communities and promotes not-for-profit groups, community events and welfare services.
- The station encourages representatives of community groups and schools to visit the station; and to make use of the stations facilities to promote their message. Free promotion of not-for-profit groups, community events and welfare services will be offered.
- Through its training and development programmes, the station provides opportunities for hands on experience in all aspects of the station's running, output and management. New volunteers will be welcomed regularly to the station and be given suitable induction and radio skills training. The station will train at least 15 volunteers a year.
- The station has a flexible approach to allow access for people in different situations, such as working parents, school times and holidays.
- Open board meetings are held at least bi-monthly and all volunteers have the option of attending these meetings. The station actively seeks representation from Chorley Council and local organisations, including youth and LGBT organisations, at these meetings in order to develop participation and ownership of the station by the whole community and by groups serving its particular target communities.
- The station's Board is made up of a mixture of experienced volunteers, professional and community group representatives. The station publishes an annual report in conjunction with its AGM, available on its website.
- Feedback from listeners, volunteers, community members or advertisers is encouraged and can be left on the station's website, by email or text, and via social networking sites. This is discussed at board meetings. The station conducts occasional surveys to monitor its impact and satisfaction levels in the community.
- Representatives of Chorley Council and community organisations, including youth and LGBT organisations, are invited to attend the station's Annual General Meeting. An independent Community Panel helps monitor the station's output and activities and meets two or three times a year to offer feedback and suggestions for development.

- Feedback is discussed at Board meetings, changes implemented where appropriate and published if necessary.
- There is a complaints procedure in place.

November 2006, revised January 2013

## Annex 7

# Chorley FM's key commitments showing proposed changes

<b>Station name</b>	Chorley FM
<b>Community to be served</b>	The population that live, work and study in Chorley and to include targeted content for the young people of Chorley (15-25 years of age) and the lesbian, gay, bisexual and transgender community.
<b>Licence area</b>	Chorley (as shown in the licensed coverage area map)
<b>Frequency</b>	102.8 MHz

## Character of service

Chorley FM serves the population of Chorley with a diverse and inclusive range of music and speech based programming. It is committed to having a positive effect and bringing about educational enrichment and cultural development, promoting positive inclusion across all broadcast output. Young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community will be served in specific programme content within the weekly broadcast schedule.

## Programming

Programming includes a diverse range of programmes which includes catering for the demand for “Underground” abstract music not covered by existing stations in the locality. Programming for diverse musical tastes, young people and other minority groups will be accommodated in the evening schedule where appropriate. To support financial sustainability, the daytime output is typically a more commercial format, encompassing music of popular culture and an emphasis on community content.

- Daytime programming typically comprises 80% music and 20% speech ('speech' excludes advertising, programme / promotional trails and sponsor credits). It may include recorded interviews or other recorded content.
- Daytime speech output includes community information, local news and weather, interviews with representatives of local community groups, events diary, local traffic and travel information and other general interest material. Evening and Specialist shows will typically deliver information and relevant features to the intended target audience, for example musical background and local events in specialist music shows. Targeted programming for young people (15-25 years of age) and the lesbian, gay, bisexual and transgender community would feature as specific content in this section of the weekly broadcast schedule, alongside other targeted programming.
- Specialist and evening music output typically includes a range of genres such as house, trance and dance, plus other genres such as Classic Rock, Death Metal, Classic Pop, Local Bands, Folk, Country, Jazz-Funk, Soul, Motown, and Reggae. There are also opportunities to hear local unsigned bands and DJs as well as less

commercial music. Typically, daytime output is more commercial in nature consisting of a mix of contemporary and historic popular music.

- The service is typically live for at least 8 hours a day (live programming may include pre-recorded inserts, if applicable) and broadcast for at least 16 hours a day. The majority of output will be locally produced; some programming may be produced by other community radio groups or individuals.

### **Social gain objectives**

- The station invites community leaders and representatives of community groups to instigate and contribute to discussion and debate on issues affecting the community.
- The station encourages the use of discussion and interviews with guests on a wide range of topics. Listeners are encouraged to give their views on the topic by e-mail, text messages, social networking sites or by phone.
- Members of the local community are invited to volunteer at the station and receive free radio skills training which normally includes microphone and presentation skills, programme planning, and sound engineering. The station's facilities and training are accessible to people with disabilities.
- The station has links with local community, business and educational organisations and provides volunteer opportunities for people interested in radio.
- Links between Chorley FM and workers who serve the community help the station become better informed about the needs of the community and reach individuals who wish to volunteer with the station and benefit from training and other opportunities.
- The station maintains links with a wide range of local organisations and promotes not-for-profit groups, community events and welfare services.
- The station encourages representatives of community groups and schools to visit the station; and to make use of the stations facilities to promote their message. Free promotion of not-for-profit groups, community events and welfare services will be offered.
- Through its training and development programmes, the station provides opportunities for hands on experience in all aspects of the station's running, output and management. New volunteers will be welcomed regularly to the station and be given suitable induction and radio skills training. The station will train at least 15 volunteers a year.
- The station has a flexible approach to allow access for people in different situations, such as working parents, school times and holidays.
- Open board meetings are held at least quarterly and all volunteers have the option of attending these meetings. The station actively seeks representation from Chorley Council and local community organisations at these meetings in order to develop participation and ownership of the station by the whole community.
- The station's Board is made up of a mixture of experienced volunteers, professional and community group representatives. The station publishes an annual report in conjunction with its AGM, available on its website.

- Feedback from listeners, volunteers, community members or advertisers is encouraged and can be left on the station's website, by email or text, and via social networking sites. This is discussed at board meetings. The station conducts occasional surveys to monitor its impact and satisfaction levels in the community.
- Representatives of Chorley Council and community organisations are invited to attend the station's Annual General Meeting.
- Community, listener and other feedback is discussed at Board meetings, changes implemented where appropriate and published if necessary.
- There is a complaints procedure in place.

November 2006, revised January 2013, showing proposed changes of September 2015

## Annex 8

# Other analogue commercial and community radio stations in the Chorley area

### Commercial radio stations

The Bee

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000323ba1thebee.htm>

97.4 Rock FM

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000063ba2rockfm.htm>

Rock FM 2

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000062ba3rockfm2.htm>

Heart North West

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000220ba4heart.htm>

Smooth Radio

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000164ba3smoothradio.htm>

Asian Sound

<http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000183ba2asiansoundradio.htm>

### Community radio stations

There are no other licensed community radio stations broadcasting in Chorley.

For the purpose of this consultation, we consider that there are no other relevant local commercial or community radio services within Chorley FM's licensed area. However, it is recognised that due to the nature of the propagation of radio waves, the signals of other of neighbouring radio services may be audible in the Chorley area.