



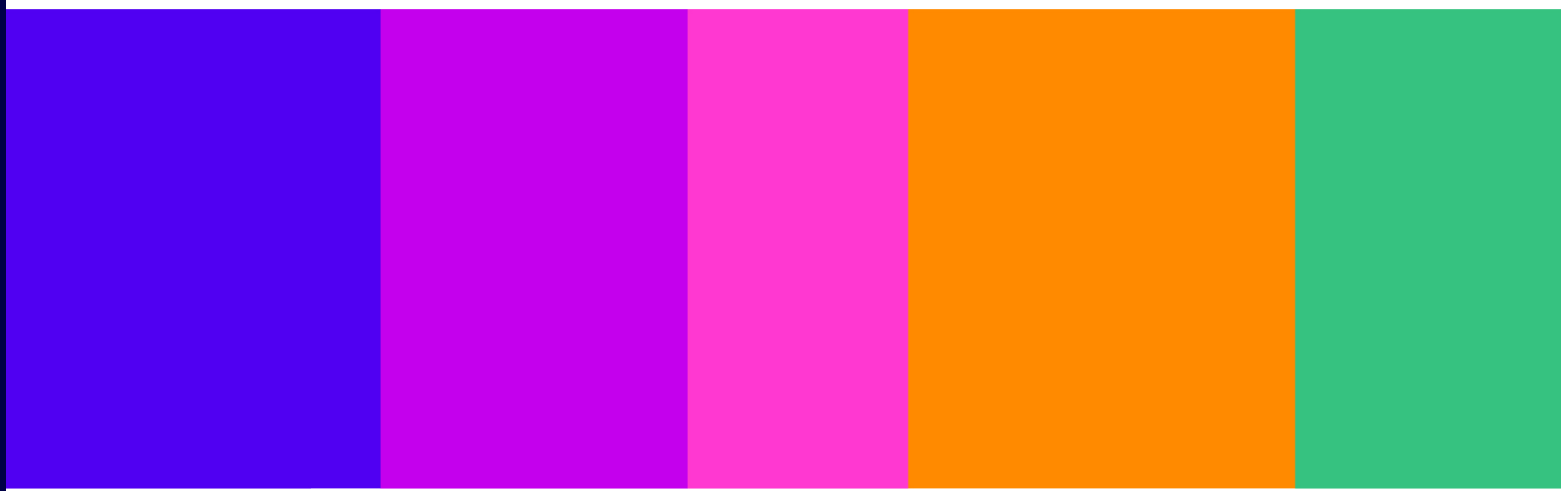
Community Voice FM

Request to change Key Commitments

Consultation

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Closing date for responses: 9 January 2024



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1. Overview

- 1.1 A community radio station's Key Commitments set out the type of broadcast output it is required to deliver, and form a part of its licence. Key Commitments include a description of the community to be served; a summary of the character of the service; a description of the programme service; social gain objectives; access and participation arrangements; and mechanisms to ensure accountability to the target community. When a request to change Key Commitments constitutes a significant departure from the character of service, the request is subject to consultation. This document outlines the request received from Community Voice FM Ltd. (or "the Licensee"), and Ofcom's preliminary view on the request.

What we are proposing – in brief

Ofcom is considering the Key Commitments change request submitted by Community Voice FM Ltd., which holds a community radio licence for Middlesborough broadcasting as 'Community Voice FM'. The Licensee wishes to make the following changes:

- Change its music requirement for the main types of music broadcast across the week. Additionally, during religious and cultural occasions, the service may change its music output to include "religious/spiritual tracks only." For example: Ramadan and Diwali".
- Alter its speech output on the main types of speech broadcast to "National news, local community information, guest interviews and faith-based programming."
- Vary its Key Commitment on languages of programming to "programming in alternative community languages during the course of the annual broadcast, with a particular focus on South Asian communities. Programming will alternate during the year to fit in with religious and cultural calendars."
- Change its original output from 8 hours per day (56 hours per week equivalent) to 42 hours per week.

We have taken a preliminary view on the request and are minded to reject the Key Commitments changes requested by the Licensee. However, we are seeking views on the requests before we make a final decision. The consultation closes at 5pm on 9 January 2024.

2. Details and background information

- 2.1 The licence for each community radio service contains ‘Key Commitments’ which describe the type of programme service the licensee is required to provide.
- 2.2 Ofcom has received a Key Commitments change request from Community Voice FM Ltd., which holds a community radio licence for Middlesbrough, with regards to its service ‘Community Voice FM’. Community Voice FM’s target community is “the general population of Middlesbrough, with a particular focus on isolated and disadvantaged people”.

Community Voice FM Ltd.’s licence

- 2.3 The station commenced broadcasting in August 2009. The licence was extended from 2014 to 2019 and then again, to August 2024.
- 2.4 The current Key Commitments are appended to this document as Annex 6. They can also be viewed on the Ofcom website here:
<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000144.pdf>
- 2.5 Community Voice FM Ltd. has requested several changes, and a copy of its Key Commitments change request form is appended to this document as Annex 6.

Statutory framework and considerations

- 2.6 Community radio services are licensed under the terms of three related pieces of legislation. In particular, the Community Radio Order 2004 (the “Order”) applies modified versions of the Communications Act 2003 (the “2003 Act”) and Broadcasting Act 1990 (the “1990 Act”) to community radio. The legislation sets out requirements that must be met for radio services to qualify as ‘community radio services’, including that such services are not 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.
- 2.7 Section 106(1) of the 1990 Act (as modified by the Order) 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.
- 2.8 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.)
- 2.9 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.

1.2 In determining the licence conditions that should be included in a licence under section 106(1) of the 1990 Act, section 106(1A) provides that Ofcom may, in particular, include conditions that enable it to consent to a “departure from the character of a licensed service” (or, in other words, the Key Commitments) should a licence holder subsequently request such a change. This is embodied in condition 2(5) of each community radio licence, allowing Ofcom to consent to changes in Key Commitments. Before Ofcom can give its consent it must be satisfied that one of a number of statutory criteria has been fulfilled (see below). However, the legislation also gives Ofcom discretion not to consent to a proposed change, even if one of these criteria is satisfied.

1.3 The statutory criteria that Ofcom must apply when considering requests to change Key Commitments are set out in Section 106(1A) of the 1990 Act (as modified by the Order), and are as follows:

- that the departure would not substantially alter the character of the 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)).

1.4 Where Ofcom is considering whether or not to consent to a proposed change on the basis of sections 106(1A)(b), (d), (e) or (f) above, it is under a general obligation to consult with those who, in its opinion, are likely to be affected by the change. Ofcom is not, however, required to consult when it is satisfied that a proposed change satisfies section 106(1A)(a) - i.e. that a proposed change would "not substantially alter the character of the service". The term ‘character of the service’ is not defined in the legislation. We consider that it includes everything that is set out in each service’s Key Commitments section of its licence. For the avoidance of doubt, this goes beyond a sub-section in the

Key Commitments document entitled 'description of character of service' to encompass the entirety of the Key Commitments annex to the licence.

1.5 The legislation leaves the decision as to whether to permit a change, even if one of the above criteria is satisfied, to Ofcom's discretion. There may be reasons (depending on the circumstances of the case) why Ofcom may not consent to the proposed change, notwithstanding that one of the statutory criteria is met. We have published criteria we use to help us judge whether a request of this kind should be approved. We also take account of our general statutory duties, including:

- a) our principal duty to further the interests of citizens and consumers;
- b) our duty to secure the availability throughout the UK of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests (including specifically a range and diversity of local radio services), as well as the maintenance of a sufficient plurality of providers of different services; and
- c) our duty to have regard to the different interests of persons in the different parts of the UK, of the different ethnic communities within it and of persons living in rural and in urban areas.

1.6 Where we consult, we will usually do so by publishing a consultation document on our website. We will usually include in that document a preliminary view about the request. That is not a decision, but a provisional view, subject to the consultation process, so that those who wish to respond to the consultation can do so on an informed basis. We then consider all the responses to the consultation and make our decision on the request.

3. Consideration of the request and Preliminary View

- 3.1 Annex 6 contains Community Voice FM Ltd.'s Key Commitment change request. Community Voice FM Ltd. wishes to change its published Key Commitments for the service Community Voice FM in the following ways:
- Change its music requirement for the main types of music broadcast across the week from “Asian, African, world music, rock, pop, classical and urban” to “Asian (including Pakistani, Indian, Punjabi, Mirpuri, and Qawwali Music), global, rock, pop, urban, and chart music. Additionally, during religious and cultural occasions, the service may change its music output to include "religious/spiritual tracks only." For example: Ramadan and Diwali”.
 - Alter its speech output on the main types of speech broadcast from “national and international news, local news, discussions, interviews, and faith-based programming” to “National news, local community information, guest interviews and faith-based programming.”
 - Vary its Key Commitment on languages of programming from “programming in English and other community languages including Urdu, Mirpuri, Farsi, Punjabi and Arabic” to “programming in alternative community languages during the course of the annual broadcast, with a particularly focus on South Asian communities. Programming will alternate during the year to fit in with religious and cultural calendars.”
 - Change its original output from 8 hours per day (56 hours per week equivalent) to 42 hours per week.
- 3.2 The request is made on the basis the change would satisfy all five of the statutory criteria in section 106(1A) of the 1990 Act, and that it is consistent with Ofcom’s generally applied policy criteria for such requests. Community Voice FM Ltd.’s full rationale is contained in the Key Commitment change request in Annex 6.
- 3.3 Our consideration of the request in relation to section 106(1A)(a), and our provisional consideration in relation to the other four statutory criteria, is set out below.

Section 106(1A)(a)

- 3.4 We consider that the change *could* substantially alter the character of the service (i.e. we are not satisfied in relation to criterion (a)).
- 3.5 Ofcom has concerns that the requested change *could* (i.e. we are not satisfied in relation to criterion (a)) substantially alter the service offered by Community Voice FM which states, “It targets isolated and disadvantaged people, as well as people of all ages, backgrounds and ethnic origin within the area.” Community Voice FM has not provided Ofcom with evidence that the ethnic makeup of its licensed coverage area has changed to an extent that would not render replacement of “Urdu, Mirpuri, Farsi, Punjabi and Arabic” with “a particular focus on South Asian language” a substantial change. Similarly, the service is seeking to remove reference to ‘African’ and ‘classical’ from its music requirement. The Licensee has also

requested to alter its output during times of religious significance e.g. Ramadan or Diwali. The Licensee is not currently permitted to alter its output in such a way across the year.

- 3.6 Ofcom has concerns that the removal of languages could constitute a substantial change to Community Voice FM's character of service. The Licensee has made clarifications to Ofcom that it does not foresee the proposed changes as substantial, stating, "While the inclusion or exclusion of languages may introduce some variation in programming, it would not fundamentally change the overall nature and essence of Community Voice FM." However, the removal of some community languages *could* substantially alter the character of the service, particularly with regard to the communities highlighted in Appendix 1.
- 3.7 Additionally, Ofcom considers that altering its output in such a way across the year may present a significant departure from the Licensee's character of service, as during times earmarked as holding religious significance, the Licensee would not be providing a service for "people of all ages, backgrounds and ethnic origin within the area". Thus, we are not currently satisfied that the proposed change would not constitute a substantial change to the Licensee's character of service with regard to the relevant criterion (a).
- 3.8 While the request to remove the current requirement to provide local news and replace it with a requirement to provide local community information does not appear to us to be likely to substantially alter the character of the service, we consider the removal of the requirement to include discussions could have such an impact given Community Voice FM's overarching requirement to "provide a voice for the community".
- 3.9 As we are not satisfied in relation to statutory criterion (a), it is therefore necessary for Ofcom to consult on the request.
- 3.10 Our preliminary view is that as well as not being satisfied in relation to Section 106 (1A)(a), we are also not satisfied in relation to any of the other statutory criteria. Our reasons for this are as follows:

Section 106(1A)(b)

- 3.11 We consider that changing the nature of the Community Voice FM programme service during "religious and cultural occasions" could narrow the range of programmes available on analogue radio to the station's relevant community. This is because during these periods, the service would be providing specific, primarily religious, programming rather than programming which is likely to appeal to people of "all ages, backgrounds and ethnic origin" in the area. The removal of requirements to provide African music, classical music and discussions could also narrow the range of programmes available in the area, as none of these types of output are widely provided by other local analogue radio services. We are therefore not satisfied, on a preliminary basis, in relation to this statutory criterion.

Section 106(1A)(d)

- 3.12 Ofcom has not been provided with evidence that, among the station's relevant community of "the people of Middlesbrough", especially "isolated and disadvantaged people" and those "of all ages, backgrounds and ethnic origin", there is a significant demand, or significant

support for the changes being requested. We are therefore not satisfied, on a preliminary basis, in relation to this statutory criterion.

Section 106(1A)(e)

- 3.13 For a similar reason to that set out above in respect of section 106(1A)(b), we consider that the proposed changes to programming during “religious and cultural occasions” *could* be prejudicial to the access by members of the relevant community to the facilities used for the provision of the service and for training in the use of those facilities. This is because during these periods, it seems less likely that people from the relevant community who are not observing, or interested in, the religious and cultural occasions will wish to access the station.

Section 106(1A)(f)

- 3.14 For all of the reasons set out above (including in relation to section 106(1A)(a)), at this stage we are not satisfied that the changes, taken as a whole, would not be prejudicial to the delivery of social gain resulting from provision of the service. In order to be satisfied in relation to this statutory criterion, we would need to see evidence that members of the relevant community would not be disadvantaged by the proposed changes in programming, or that the station was not moving from one for all of the people in Middlesbrough to one for particular sub-communities.
- 3.15 As we are not currently satisfied in relation to any of the relevant statutory criteria, we are currently minded **not** to grant the request.

A1. Impact assessments

Impact assessment

- A1.1 Section 7 of the 2003 Act requires that, where we are proposing to do anything for the purposes of, or in connection with, the carrying out of our functions, and it appears to us that the proposal is important, we are required to carry out and publish an assessment of the likely impact of implementing the proposal, or a statement setting out our reasons for thinking that it is unnecessary to carry out such an assessment.
- A1.2 As Ofcom is currently minded not to accept the request from the Licensee, we do not foresee any impact on citizens or consumers. However, we have also considered the impact should Ofcom receive substantial evidence, that would permit it to agree the request under the relevant statutory criteria.
- A1.3 If we did decide to approve the request, the changes would affect the on-air service, and could affect the delivery of on-air social gain to some members of the community. Further information about specific groups who could be affected can be found below:

Equality impact assessment

- A1.4 Ofcom is also required by statute to assess the potential impact of all its functions, policies, projects and practices on the following equality groups: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.
- A1.5 As Ofcom is not currently minded to accept the request, we have not identified any differential impact of our proposals in relation to the identified equality groups and, in our assessment, they would not disproportionately affect any group of consumers. However, should Ofcom receive substantial evidence as part of its consultation process, which means we decide to approve the change, we consider that the proposals have the potential to disproportionately impact speakers of African languages. This is due to the Licensee seeking to remove these from its Key Commitments. Similarly, if agreed, the Licensee's proposals may disproportionately impact upon religious groups not celebrating relevant festivals during periods of religious significance where the Licensee wishes to alter its output, e.g. Ramadan or Diwali. We do not consider this to be reason alone to prevent Ofcom agreeing the request, subject to us being satisfied that the benefits overall of the proposed changes outweigh the impacts on groups identified herein as potentially impacted.

A2. Consultation questions

Question 1: Should Ofcom consent to Community Voice FM Ltd. making the changes it proposes to the Key Commitments of Community Voice 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).

Question 2: With reference to our impact assessment, do you agree with our assessment of the potential impacts of this proposal, including with regard to specific groups of people?

A3. Responding to this consultation

How to respond

- A3.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 9 January 2024.
- A3.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/community-voice-fm>. You can return this by email or post to the address provided in the response form.
- A3.3 If your response is a large file, or has supporting charts, tables or other data, please email it to broadcast.licensing@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet.
- A3.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Broadcast Licensing
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A3.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A3.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A3.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A3.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A3.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 2. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A3.10 If you want to discuss the issues and questions raised in this consultation, please contact the Broadcast Licensing team by email to broadcast.licensing@ofcom.org.uk

Confidentiality

- A3.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A3.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A3.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A3.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A3.16 Following this consultation period, Ofcom plans to publish a statement in January 2024.
- A3.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A3.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 4.
- A3.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A3.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
- A3.21 Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A4. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A4.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. 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

- A4.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A4.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A4.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A4.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A4.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A4.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A5. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

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
- Name/contact details/job title
- Whole response
- Organisation
- Part of the response

If you selected 'Part of the response', please specify which parts:

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)?

Yes No

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 aims to publish responses at regular intervals during and after the consultation period. 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)

A6. Key Commitments change request from Community Voice FM Ltd.

Key commitments change request form



Community radio station name:	Community Voice FM
Licence number:	CR000144
Licensee (company name):	Community Voice FM Ltd.
Contact name:	Idrees Rashid
Date of request:	7 th June 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: community.radio@ofcom.org.uk

Existing Commitment (as in your published Key Commitments) Please only include one commitment change per row, and add more rows as necessary into the table.	Proposed revised/new Key Commitment	Reason for proposed change
Music. The main types of music broadcast over the course of the week are: Asian, African, world music, rock, pop, classical and urban.	Music. The main types of music broadcast over the course of the week are: Asian (including Pakistani, Indian, Punjabi, Mirpuri, and Qawwali Music), global, rock, pop, urban, and chart music. Additionally, during religious and cultural occasions, the service may change its music output to include "religious/spiritual tracks only." For example: Ramadan and Diwali	We are requesting this change to better meet the evolving needs of our listeners and introduce flexibility for new programs. This allows us to stay responsive to emerging trends and audience demands, ensuring engaging and relevant content. Embracing flexibility empowers us to experiment with diverse program formats and enrich the listening experience. Our goal is to create a dynamic broadcasting service that adapts to the changing preferences of our valued audience.
Speech. The main types of speech output broadcast over the course of each week are: national and international news, local news, discussions, interviews, and faith-based programming.	The main types of speech output broadcast are: National news, local community information, guest interviews and faith-based programming.	This amendment allows us to prioritise local content and information, allocate our resources effectively, and cater to the diverse needs of our community. By incorporating these elements into our programming, we aim to keep our listeners informed, engaged, and connected to their local environment and beliefs.
Over the course of each week, programming in English and other community languages including Urdu, Mirpuri, Farsi, Punjabi and Arabic, is broadcast.	Provide programming in alternative community languages during the course of the annual broadcast, with a particular focus on South Asian communities. Programming will alternate during	We are requesting this change to provide dedicated programming during significant cultural and religious occasions such as Ramadan, Diwali, and Christmas. By tailoring our content to these events, we aim to meet the specific needs of diverse communities and

	the year to fit in with religious and cultural calendars.	foster inclusivity. This adjustment reflects our commitment to honouring and celebrating the cultural and religious diversity within our community.
The service provides original output1 for a minimum of eight hours per day. The service provides locally-produced output2 for a minimum of 13 hours per day	The service provides original output1 for a minimum of 42 hours per week.	<p>We are reducing our broadcasting hours to prioritise higher-quality programmes with a local focus. This change allows us to allocate more resources and attention to crafting exceptional content that resonates with our community.</p> <p>By focusing on quality rather than quantity, we ensure that each programme delivers relevant and engaging content that reflects the unique interests and concerns of our local audience. This shift also allows us to be more flexible in scheduling, aligning our programming with the availability of our volunteer presenters.</p> <p>This reduction in hours enables us to maintain a weekly average while optimising our resources and ensuring a consistent flow of quality content throughout the week. Our goal is to deliver an exceptional listening experience to our community, featuring programmes led by passionate presenters who are dedicated to serving our audience.</p>

Statutory requirements

Under section 106(1A)(a)-(f) of the Broadcasting Act 1990 (as amended and modified¹) Ofcom must be satisfied that your proposed changes **meet at least one of the criteria referred to below**.

Please indicate which of these criteria you believe your proposed changes satisfy by deleting YES or NO as applicable, and provide an explanation for why you consider a particular criterion is met in the relevant box. You should note that even if Ofcom is of the opinion that your explanation of your proposed changes meets one or more of these criteria, there may still be reasons why Ofcom is unable to consent to the change. When explaining your proposed changes, it is not enough to state that you believe one of the criteria is met. You must also demonstrate *why* you consider that at least one of these criteria is met.

In particular, if Ofcom is not satisfied that the changes would not substantially alter the character of the service (criterion (a) below), Ofcom cannot consent to the change without consulting on your proposals.² If this is the case, we will contact you to confirm that you are happy for us to consult on your proposed changes, and whether you wish to make any changes to your request in light of the need to make it public.

As part of our consideration of your request to make changes to your key commitments, we require applicants to provide an explanation for **at least one** of the criteria below.

(a) In your judgement would the proposed changes substantially alter the character of the service?	NO please explain why below
No, the proposed changes would not substantially alter the character of the service. While the inclusion or exclusion of languages may introduce some variation in programming, it would not fundamentally change the overall nature and essence of the service. The core elements such as news, discussions, and faith-based programming and diversity of language would remain intact, ensuring continuity and familiarity for the audience. The adjustments primarily aim to broaden the language options to cater to evolving local community, while still maintaining the core focus and purpose of the service.	

¹ As amended by sections 312 and 313 of the Communications Act 2003 and modified by the Community Radio Order 2004

² Ofcom may approve a change under any of criteria (b), (c), (d) and (e) without consultation, or after a consultation of less than 28 days, if Ofcom considers that to hold a consultation at all, or for 28 days or more, would result in a delay that would be likely to prejudice the interests of the licensee. Ofcom may also remove for the purposes of consultation any confidential information submitted by the licensee.

(b) Do you consider that the proposed changes would narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community?	NO please explain why below
No, the proposed changes would not narrow the range of programs available by way of relevant independent radio services to persons comprising the relevant community. The adjustments aim to include additional languages and broaden the programming options, which can actually enhance the range of programs available to the community. By incorporating languages such as Urdu, Mirpuri, Punjabi, and Arabic, the service would cater to a wider audience and offer a more diverse array of content. Therefore, the proposed changes would not restrict or limit the range of programs available but rather expand the offerings to better serve the community.	
(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
Yes, there is evidence that among persons comprising the community, there is a significant demand for and support for the proposed changes. We have actively consulted key stakeholders, volunteers, and the user base to gather feedback and input regarding the amendments. Through our community meetings, and discussions, we have received substantial feedback indicating a desire for expanded language options and programming diversity. The consultation process has allowed us to understand the needs and preferences of the community, and the proposed changes align with the expressed demands and support from the stakeholders and user base.	
(d) Do you consider that your proposed changes would be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities?	NO please explain why below
No, we do not believe that the proposed changes would be prejudicial to the access by members of the community to the facilities used for the provision of the service and for training in the use of those facilities. The amendments aim to broaden the language options and programming diversity, which can actually enhance the accessibility and inclusivity of the service. By including additional languages, we are providing more opportunities for community members to engage with and contribute to the service. Furthermore, the consultation process with key stakeholders and volunteers ensures that their voices are heard and taken into account, promoting inclusivity and equal access to the facilities and training associated with the service.	
(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

No, the proposed changes would not be prejudicial to the delivery of social gain resulting from the provision of the service provided under the license. On the contrary, these changes are designed to better meet the needs and preferences of the community, thus enhancing the potential for social gain. The expanded language options and programming diversity aim to foster inclusivity and engagement, allowing a wider audience to access and benefit from the service. The consultation with key stakeholders and the community ensures that the changes align with their aspirations, further reinforcing the positive impact on social gain. Therefore, it is evident that the proposed changes will not have any adverse effects on the delivery of social gain; instead, they are expected to contribute positively to the overall benefit derived from the service.

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)

As we have outlined, these changes are driven by capacity issues and the evolving demographics of our volunteer base. In order to effectively meet the local needs of our community while maintaining our key commitments, we have identified the need for flexibility.

To support our proposal, we would like to emphasise that our approach aligns with Ofcom's published guidance on changes to Key Commitments. According to the guidance document, broadcasters may seek changes to their Key Commitments when there are valid reasons such as changes in circumstances or audience needs. In our case, the capacity issues and changing volunteer demographics necessitate some flexibility in adapting our programming to effectively meet the needs of our community.

Furthermore, we are committed to ensuring that the proposed changes remain in line with the core principles and objectives outlined in Ofcom's guidance. We will continue to prioritise the delivery of relevant and engaging content, diversity and inclusivity, and the promotion of social gain within our revised Key Commitments.

Overall, the proposed changes reflect our careful consideration of the local needs, volunteer capacity, and Ofcom's guidance. We are confident that these modifications will enable us to better serve the community while staying true to our key commitments and maintaining the quality and integrity of our broadcasting service.

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 for further information about how Ofcom handles your personal information and your corresponding rights.

Amended May 2018

A7. Community Voice FM

current Key Commitments

Key Commitments

Licence number: CR000144

Service name	Community Voice FM
Licence area	Middlesbrough (as shown in the licensed coverage area map)
Frequency	104.5 MHz

Description of character of service

Community Voice FM is for the people of Middlesbrough. It targets isolated and disadvantaged people, as well as people of all ages, backgrounds and ethnic origin within the area. It provides a voice for the community, and members of the community are involved in the development and delivery of the service.

The service broadcasts:

- Music. The main types of music broadcast over the course of the week are: Asian, African, world music, rock, pop, classical and urban.
- Speech. The main types of speech output broadcast over the course of each week are: national and international news, local news, discussions, interviews, and faith-based programming.
- Over the course of each week, programming in English and other community languages including Urdu, Mirpuri, Farsi, Punjabi and Arabic, is broadcast.
- The service provides original output³ for a minimum of eight hours per day.
- The service provides locally-produced output⁴ for a minimum of 13 hours per day.

The studio is located within the licensed coverage area.

The service provides a range of community benefits (social gain objectives mandated by statute) for the target community, both on-air and off-air, and in doing so, achieves the following objectives:

- the facilitation of discussion and the expression of opinion,
- the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and

³ Original output is output that is first produced for and transmitted by the service, and excludes output that was transmitted elsewhere before. Original output can be live or voice-tracked. Repeat broadcasts of original output do not count towards the minimum requirement.

⁴ Locally-produced output is output made and broadcast from within the service's licensed coverage area.

- the better understanding of the particular community and the strengthening of links within it.

Members of the target community contribute to the operation and management of the service.

The service has mechanisms in place to ensure it is accountable to its target community.

[September 2009. Revised September 2016]

A8. Other commercial and community radio stations in the Middlesbrough licence area

Analogue commercial radio stations

- 3.16 TFM, Hits Radio
- 3.17 Smooth Northeast
- 3.18 Capital Northeast
- 3.19 Heart Northeast

Analogue community radio stations

- 3.20 Ofcom has not identified any analogue community radio stations impacted by the proposals highlighted in this consultation.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document