

Key Commitments change request form

Community radio station name:	Gaydio
Licence number:	CR000186BA/2
Licensee (company name):	Gaydio CIC
Contact name:	Kriss Herbert
Date of request:	22 nd Jan 2024

Details of requested change(s) to Key Commitments

A community radio operator may apply to Ofcom to have the station's Key Commitments amended.

Please complete the table overleaf by including your current Commitment in the left hand column and your proposed revised Commitment in the centre column. In the right hand column please give a brief explanation as to why you wish to make each change.

We also require you to complete a second table which asks you to explain your proposed changes with reference to the statutory framework.

If you do not provide an explanation for your proposed changes and a completed comparison table, Ofcom cannot consider a Key Commitments change.

Please complete this form and return it to: broadcast.licensing@ofcom.org.uk

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
The service provides locally-produced output for a minimum of 91 hours per week.	The service provides locally-produced output for a minimum of 63 hours per week.	<p>Gaydio’s schedule features a large number of presenters with daily shows. In the event of holiday or sickness, a single presenter would account for 15 hours of output within a week. Under our current key commitments, replacing that presenter with non-stop music would be acceptable as it would be classed as locally-produced, but putting a presenter between those songs recording remotely from outside of our licensed coverage area would not be acceptable as it would then stop being classed as local under Ofcom’s definition.</p> <p>We believe that maintaining original content levels with distinctive LGBT+ focussed speech would be more valuable to listeners than maintaining locally produced hours without speech in this scenario. This is particularly true as our mission and primary editorial focus is to serve a community of interest (the LGBT+ audience) of a geographic area (Manchester for this licence) - rather than the geographic area being the primary editorial focus.</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?	YES/NO (Please explain why below)
The character of the service would not change, as in the event of presenter absence it would allow for us to maintain levels of speech rather than opting to broadcast non-stop music. The later, less preferable but compliant option would be more likely change the character and value of the service. We would continue to deliver above our requirement of original hours, and as our service is that of a community interest in this scenario we believe original hours are more valuable to listeners than locally produced hours.	
(b) Do you consider that the proposed changes would narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community?	YES/NO (Please explain why below)
The proposed changes would actually allow for us to increase the range of programmes available as we could increase the amount of original output by permitting contributions from outside of the licensed coverage area.	
(c) Do you believe that there is evidence that, amongst persons comprising that community, there is a significant demand for, or significant support for, the changes that you have proposed?	YES/NO (Please explain why below)
We believe that persons within our relevant community (LGBT+ people in Manchester) would support original programming with speech which targets them targeting them but is recorded outside of the coverage area as opposed to a show without speech that is classed as being locally produced. This is evidenced through our online listening data when comparing the different types of output.	

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.

(d) Do you consider that your proposed changes would be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities?	YES/NO (Please explain why below)
<p>The changes would not prejudice access to members of the community. Remote working would allow for wider access to participation, and we could also explore partnering with other services to allow for expanded training and contribution from their facilities. We would continue to offer the same level of training and opportunity for participation from our facility within the licensed coverage area.</p>	
(e) Do you consider that the proposed changes would be prejudicial to the delivery of social gain resulting from the provision of the service provided under your licence?	YES/NO (Please explain why below)
<p>The delivery of social gain would not be impacted by these changes. Our training programmes would continue as normal, and as participation could be remote it might also encourage participation by those who may not have previously been able to reach our facilities. The social gain delivered through our broadcast service would also be maintained as the character of service would be unaltered.</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](https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf) (https://www.ofcom.org.uk/data/assets/pdf_file/0017/31913/kc-changes-guidance.pdf).

We hope to have demonstrated that the proposed changes would not alter the character of service, could increase the range of programmes available, meet community need, expand access opportunities and maintain delivery of social gain.

We also recognise that Ofcom has accepted a similar request by “RWSfm 103.3” on 20th September 2023 with a greater drop in local hours.

Data Protection

We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom’s [General Privacy Statement](https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement) (<https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement>) for further information about how Ofcom handles your personal information and your corresponding rights.

Ofcom's views on the request

The request was AGREED, because Ofcom was satisfied in relation to Section 106 (1A)(a) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004, and further modified by the Community Radio (Amendment) Orders 2010 and 2015) i.e. that the change would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee has asked to reduce its locally-produced output requirement from 91 hours per week to 63 hours per week, a reduction of roughly 30%. The Licensee is requesting this change in order to give it more flexibility to deal with presenter absence/sickness, stating that making this change will allow it to broadcast content produced from outside the licence area in the case of a regular presenter being unavailable, rather than just broadcasting automated music. The Licensee has noted that its target community is a 'community of interest' rather than just a general geographic population, and that it therefore believes that content produced outside the area targeted at the LGBT+ community will still be relevant to its target community.

While this is a relatively large reduction in the amount of locally-produced content required each week, we believe that 63 hours per week remains a relatively high commitment, and one that will ensure the licensee continues to deliver an appropriate amount of locally-produced output. We agree with the Licensee's assertion that content produced outside the area could still be relevant to its target community as part of a varied schedule, noting that a sizeable amount of content must still be produced from Manchester. We note that Gaydio has stations/production facilities in other parts of the country, which will allow it to produce non-local content where appropriate.

We have considered this request under our policy criteria and consider that there are no policy reasons to refuse this request. We are satisfied that the change will not prevent the Licensee from providing a service for the LGBT+ community in Manchester, and that the change will not reduce the social gain delivered to that community. We have therefore decided to exercise our discretion to approve the change.

February 2024