

Key Commitments change request form

Community radio station name:	105.9 Academy FM Folkestone
Licence number:	CR000203
Licensee (company name):	Academy FM Folkestone
Contact name:	Dave Sharp: dave.sharp@academyfmfolkestone.com
Date of request:	29/6/2023

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: 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 original output for a minimum of 49 hours per week	The service provides original output for a minimum of 30 hours per week	<p>Academy FM Folkestone is in a difficult financial situation, and is forced to restructure. We are having to make a staff post redundant (our paid Programme Manager & Breakfast Show Presenter), and volunteers will take a considerably larger role in day-to-day operations and broadcasting from this August. The amount of young people presenting on Academy FM will slightly fall, as the school where we are based wishes to start its own School Radio station. Therefore our ability to deliver Original Output will be reduced. While we do have a plan (and many dedicated volunteers) to train new presenters and increase our Original Output, we wish to avoid being found In Breach and are requesting this reduction in Original Hours requirement.</p> <p>Our request is based on what we think is achievable, and in the context that one of our neighbouring Community Radio stations has an Original Hours requirement of 4 hours per day – considering this, we hope that you don't find our request unreasonable.</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)
The changes would happen in August. We would retain our variety of programming, would keep the majority of our programmes that include regular interviews, news and speech content. We would still broadcast specialist music shows by local presenters. We would still do Outside Broadcasts. We would still have presenters of all ages on air. Overall the character would remain the same.	
(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)
The range of programmes would remain broadly the same. In fact the range of programming has increased in the last 6 months with the inclusion of a regular arts & culture programme, and increased numbers of Local News bulletins, which will continue.	
(c) Do you believe that there is evidence that, amongst persons comprising that community, there is a significant demand for, or significant support for, the changes that you have proposed?	YES (Please explain why below)
We have a dedicated listener base, and a dedicated team of volunteers. No-one would like to see Academy FM Folkestone being found 'In Breach', and it could affect the station's reputation and the desire of volunteers to give their time to us.	
(d) Do you consider that your proposed changes would be prejudicial to the access by members of that community to the facilities	NO (Please explain why below)

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.

used for the provision of the service and for training in the use of those facilities?	
No. We are retaining all our studios, including our central Folkestone one which has 24-hour access. Our volunteers have assisted with training new presenters for many years, and this will continue.	
(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. Our community-focused programming, interviews, and Outside Broadcasts will remain. We will continue to offer spaces for young people's shows on the radio station. The main challenge is our difficulty in delivering overall hours of Original Content due to loss of staff.	

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).

This is a time of change for Academy FM Folkestone. In the next year, we hope that our volunteers can completely take over the running of the station as I have stated in our covering email. Over the last few years, the educational work of our charity has diversified and is not as well aligned with our radio broadcasting activity as it was – there are strong financial and operational reasons for change. Please appreciate that we are asking for this Key Commitment change in advance, as we predict the need to reduce our Original Hours will come this August.

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 notes on the request

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

The Licensee has requested a reduction in its original output requirement, from 49 hours per week to 30 hours per week. In making this request, the Licensee has explained that changes in its organisational structure will reduce its volunteer base, and therefore the amount of original output which it is able to broadcast. As such, it is requesting to decrease its original output requirement.

We note that this is a relatively large reduction of roughly 40% of the current requirement. However, we are satisfied that this will not substantially alter the character of the service, and that the Licensee will continue to broadcast a range of different programmes over the course of each week. We also do not believe that this change would affect the Licensee's ability to provide a service for its target community of the population of Folkestone. Similarly, we are satisfied that, if we agree the change, the Licensee will continue to meet the characteristics of a community radio station broadcasting a minimum of 30 hours of original output per week.

We note that the Licensee successfully requested a reduction of its original output in 2022, from 60 hours per week to 49 per week, in the context of our policy criteria of preventing 'format creep', where multiple changes to a station's Key Commitments would, taken together, constitute a substantial change to the character of the service. We consider that these two changes taken together would not constitute a substantial change to the service, and therefore we are satisfied in relation to format creep.

Having established that the Licensee will continue to provide a community radio service in line with the characteristics of such a service, and that the character of service will not be substantially altered by this change, we are satisfied in relation to the relevant statutory and policy criteria. We have therefore decided to exercise our discretion to agree this change.

July 2023