

Key Commitments change request form

Community radio station name:	Eden FM
Licence number:	CR100181
Licensee (company name):	Lee Quinn
Contact name:	Lee Quinn
Date of request:	25 th September 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 broadcasts: <ul style="list-style-type: none"> • Music. The main type of music broadcast over the course of each week is: pop music from the 1950s to the present, and in particular from the 70s, 80s and 90s. Specialist music and events also feature. 	No Change	
<ul style="list-style-type: none"> • Speech. The main types of speech output broadcast over the course of each week are: local news, current affairs, community information, and events. • The service provides original output for a minimum of 55 hours per week. • The service provides locally-produced output² for a minimum of 13 hours per day. 	No Change <ul style="list-style-type: none"> • The service provides original output for a minimum of 32 hours across a week. • The service provides locally-produced output² for a minimum of 9 hours per day. 	Since COVID, aligned with national trends our volunteer numbers have drop and recruit is hard. Our transmission covers sparsely populated areas and our infrastructure is struggling due to public transport cuts week days with zero public transport at weekends. So we limited transport to the studio. We have some locally based remote access presenters. Whilst projects for better connectivity in internet have started much of the towns systems are dated and areas around it are also with limited by bandwidth We believe these changes will help over deliver on these commitments allowing some absences that can then be covered

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)
No, because as a team it will be less pressured, and this will be reflected in greater consistency and a much-improved service, with better content based on ability in the time it can be achieved.	
(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)
No. It is better to promote what you can deliver, rather than what you hope to deliver. Key content in the mornings and afternoons, Monday to Friday supported with specialist shows in the evenings. Saturday's key content and events, Sunday's (based on recruitment) a day of rest, and it would include Breakfast show, a live Church service and subject to recruitment, prerecorded shows. With the changes made in commercial and government funded radio, Eden FM will continue to be a local voice in the community. It will continue to be seen and heard in the community it serves.	
(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)

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.

Yes. Since the pandemic, EFM has created remote log in for presenters. It is based in one of the most remote areas of England. The population rose from 23 people per square kilometre to 25 in the last 10 years. There is currently no public transport serving a 15 mile radius around

Penrith and Eden on Sundays and most villages have one bus per week to Penrith Monday to Friday up to 25 miles from the town - a service generally delivered by volunteers.

Even with remote access, we cannot recruit the hours required to cover our current commitments. Taking into consideration the climate, our location, holidays and sickness, the changes suggested/proposed are about now and our future. Even with regular contact in print 10 months of the year posted through doors, it struggles to recruit volunteers to cover its current commitments.

The constant pressure on a small team to deliver an unachievable programme, could potentially distract and demotivate the team it has left to continue in doing what it does well, whilst also striving to succeed. Its events and its schedule 'on location' will turn to being a bonus in its programming and not just as part of a key commitment.

Our strategy in how we deliver community radio has had to change and re-adapt. If the community can't reach us, we need to reach them, not just through 107.5 FM. It's about having the time to re-engage with the community off air as well as on air.

(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)

No. Eden FM has always had a studio one, a mobile studio, and now has 8 remote access studios in and around Penrith. It will continue to recruit new volunteers, overcoming the challenges it has faced. Having adapted and promoting its strategy of 'radio to you', it eases some of the pressures for those, who through disability or transport limitations, cannot get to the studio, enabling them to be trained to pre-record or deliver content from their home, their charity, place of work or their school.

(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)

No. More time would be available to further establish the connection we had pre-pandemic, visiting more people on location and so on.

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).

There is enough evidence, in print, online and in the archives of EFM's team and determination since it set out as a project in 2010. It has nothing to prove, but it needs to create that time to re-generate, re-evaluate and re-establish itself for the renewal of its 3rd five year term of Community radio licencing, which will need to be based on these suggested changes to its commitments.

Data Protection

We require the information requested in this form in order to carry out our licensing duties under the

Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's [General Privacy Statement](https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement) (<https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement>) for further information about how Ofcom handles your personal information and your corresponding rights.

Amended May 2018

Ofcom notes on the request

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

The Licensee has requested to reduce its original output requirement from a minimum of 55 hours per week to a minimum of 32 hours per week, a reduction of roughly 42%. We recognise that this is a significant reduction in the original output requirement for the station. However, we are satisfied that this will not lead to a substantial change in the character of the service. This change will not affect the Licensee's ability to continue to deliver a service for the "residents, businesses, community groups and associations of Penrith", and we consider that the revised level of original output is high enough that the service will maintain the characteristics of a community radio service. We recognise the difficulties faced by the Licensee in recruiting volunteers and ensuring that they have access to the service, and are willing to approve this change in light of the situation outlined by the Licensee.

Similarly, the Licensee has requested to reduce its locally-produced output requirement from 13 hours per day to 9 hours per day, a reduction of about 31%. Again, this is a relatively significant reduction, but we recognise that the Licensee is requesting this in order to incorporate more remote broadcasts from volunteers outside of its coverage area, citing difficulties in access to its studio. We do not expect that this change will substantially alter the character of the service, which will continue to broadcast a significant amount of locally-produced output, supported by remote broadcasts.

Ofcom is therefore satisfied that these changes, both individually and in combination, will not substantially alter the character of the service, and we are therefore satisfied that these changes meet Section 106(1A)(a) of the 1990 Broadcasting Act. We have also considered these requests under our policy criteria, and consider that there are no policy reasons to refuse this request. We consider that the Licensee will continue to provide a service within the characteristics of community radio, and that the changes will not hinder the station's ability to focus on its target community. We have therefore decided to exercise our discretion and approve these changes.

November 2023