

Key Commitments change request form

Community radio station name:	Radio Scarborough
Licence number:	CR102898
Licensee (company name):	Radio Scarborough Ltd
Contact name:	Dr Ken Gadd
Date of request:	3 rd August 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
Radio Scarborough is for people who live and work in Scarborough Town, showcasing and reflecting life in the area through interviews and features. The service engages in regular conversation with local individuals, groups and organisations and offers training courses.	Radio Scarborough is for people who live in, work in and visit Scarborough Town, showcasing and reflecting life in the area through interviews and features. The service engages in regular conversation with local individuals, groups and organisations and offers training in radio broadcasting. The service also engages with local musicians and supports emerging local talent.	Scarborough is a tourist resort and the majority of local businesses rely on visitors. Visitors also have an interest in the life of the town. Supporting local talent has always been an ethos of the station and has been recognised as something both local listeners and visitors appreciate.
Music. The main types of music broadcast over the course of each week are: rock, indie and pop music from 1960s to present day. Specialist music also features.	No Change Requested	
Speech. The main types of speech output broadcast over the course of each week are: interviews and features with local groups and individuals, sport, and what's on information.	No Change Requested	
Programming in English and Polish.	Programming in English. (or remove this commitment)	Our Polish presenter left over 3 years ago to focus on other interests, and output in Polish would no longer appear to be of importance to our local Polish community. This would not lead to any loss in service provision nor of listener engagement.
The service provides original output for a minimum of 84 hours per week.	The service provides original output for a minimum of 70 hours per week.	Whilst we have made improvements to meet the 84 hours per week commitment, in engagement with our local community, there is a strong desire for us to repeat shows at different times and on different days for the

		<p>very many listeners who cannot access a specific show when it is first broadcast. This is in keeping with the current demographic trend towards 'on-demand', 'catch-up' and archived content. We seek to deliver a service that meets the developing needs of our community, and this proposed change reflects these needs. Our current level is 72.5 hours. The reduction requested is to cover for sickness, holidays, emergencies and unforeseen incidents.</p>
<p>The service provides locally-produced output at all times.</p>	<p>The service provides locally-produced output for a minimum of 80% of our broadcast output</p>	<p>The previous commitment limits us in terms of flexibility to provide continuity of service when presenters are ill, on holiday or because of other unforeseen commitments.</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 character of the service would remain the same, offering a range of music, speech, and overall content that meets the developing needs and wishes of our local community. The proposed changes will allow us to better deliver the service we wish to give our community, given the feedback we have received, and our capability to deliver that service.	
(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 will increase as a result of the proposed changes and further benefit our local 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)
We have consulted extensively with local listeners, businesses and visitors and there is overwhelming support for the proposed changes, as they will enhance our relevant service provision.	
(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)
We continue to operate with the same facilities and any future changes will be to improve on access and training rather than diminish it. Improvement and development are core values of our	

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.

organisation, and we believe that the proposed changes will enhance access rather than diminish it.	
(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)
On the contrary, after substantial consultation with our local community we believe that social gain will be enhanced by the proposed changes.	

<p>Please set out below any additional information and/or evidence you wish to provide in support of your proposed changes.</p> <p>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).</p> <p>We believe that these proposed changes fit completely with Ofcom’s published guidance, and will allow us to produce an enhanced service that meets Ofcom’s overall ethos of ensuring that community radio stations deliver an increasingly high quality of service that meets the needs of their community, whilst satisfying Ofcom’s guidance.</p>
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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 change would not substantially alter the character of the service, and for the policy reasons given below.

The Licensee is requesting to reduce its Key Commitments on original output and locally-produced output from 84 hours per week to 70 hours per week and 168 hours per week to 134 hours per week respectively. The Licensee originally requested to reduce its locally-produced output to “a minimum of 80% of [its] broadcast output”, but since Ofcom expresses Key Commitments as hours rather than percentages this has been converted to 134 hours per week. These changes would represent moderate reductions of approximately 17% of the Licensee’s original output and 20% of the Licensee’s locally-produced output requirement. In requesting these changes, the Licensee has stated that it reflects a desire by the target community to listen to repeated shows post original broadcast. The Licensee also stated these changes to original output and locally-produced output would provide flexibility in the event of presenter illness or absence. Ofcom is satisfied that as both of these changes represent relatively moderate reductions they would not substantially alter the character of service.

The Licensee has also asked to remove its current requirement to broadcast in Polish as well as English. In requesting this change, the Licensee has advised that following the departure of its Polish language presenter three years ago, it has been unable to fill this position. The Licensee also stated that it has not experienced any listener complaints nor lower engagement with the service from the target community as a result of its current level of service. Should a community radio licence holder find it is no longer able to meet its Key Commitments, we would expect it apply to Ofcom to change its Key Commitments at the earliest opportunity. While such a change to its language commitment *could* clearly have the potential to represent a substantial change to the character of Radio Scarborough FM’s service, we note that the Licensee will remain under an obligation to “engage in regular conversation with local individuals, groups and organisations” and provide a service “showcasing and reflecting life in the area through interviews and features”. We would therefore expect the provision of programming in languages other than English to be reintroduced (via a further Key Commitments change request) as and when suitable volunteer resource becomes available.

Finally, the Licensee wishes to amend its Character of Service to include reference to “those who visit Scarborough”. The Licensee also wishes to add reference to it “[offering] training in radio broadcasting” and “The service also engages with local musicians and supports emerging local talent.” Ofcom notes that this is a relatively minor alteration to Radio Scarborough FM’s character of service and does not remove commitments or communities. In fact, this change may increase the provision of local music on the service, which in turn may impact positively on the provision of on-air social gain. We also note that the Licensee has stated its intention to add additional programming to its schedule as a result of this change, which may increase engagement with the target community. Ofcom welcomes Radio Scarborough FM’s commitment to offer “training in radio broadcasting” which may increase the on-air and off-air social gain of the service.

In terms of our policy criteria, Ofcom is satisfied the change will not affect the station’s ability to meet the community radio ‘characteristics of service’ set out in the legislation, and there are no other policy reasons to refuse the change. We have therefore decided to exercise our discretion to approve this change.

October 2023