

## Retention and production of recordings, Revolution Radio Limited

<b>Type of case</b>	Broadcast Licence Conditions
<b>Outcome</b>	In Breach
<b>Service</b>	Revolution Radio
<b>Date &amp; time</b>	March 2022
<b>Category</b>	Retention and production of recordings
<b>Summary</b>	The Licensee provided recordings from its studio output rather than its broadcast output. Breach of Licence Condition 8 (retention and production of recordings).

### Introduction

Revolution Radio is a community radio station broadcasting music, local news, and community discussions to the people in Northampton. The Licence for Revolution Radio is held by Revolution Radio Limited (“Revolution” or “the Licensee”).

Ofcom requested recordings from Revolution to assess two complaints about offensive language. In response, Revolution Radio provided Ofcom with a recording of the programme, however, it later clarified that “what was sent to Ofcom was a recording from our logger at the radio station which records the studio output as a high quality record of the programme material sent for transmission. We do not record ‘off air’ and therefore we stand by our position that the language would have been less clearly audible on FM as the volume of the speech would have fallen below the threshold of our compression and would not have been amplified to an audible level”. We therefore considered that the Licensee may not have provided us with recordings of the broadcast output of its FM service.

Condition 8 of Revolution Radio Limited’s licence states:

- “8(1) The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recordings of the Licensed Service’s broadcast output.
- 8(2) In particular the Licensee shall:

- (a) Make and retain, for a period of 42 days from the date of its inclusion therein, a recording of every programme included in the Licensed Service...”

Ofcom requested comments from the Licensee on how it was complying with this condition.

## Response

In response to our request for comments when the investigation was opened, Revolution stated:

“The audio we sent was an accurate representation of what was broadcast as our logger records the feed we send to the transmitter. We were merely pointing out that the volume of the audio of the presenter muttering under her breath would have been less audible when listening on an FM radio than the high-quality recording we supplied. We can assure you that we keep accurate recordings of everything that is broadcast although we do not currently record ‘off air’ we have the facility to do so however our advice from industry bodies is that it is common practice for radio stations to record their output in this way and that this has not been flagged up as problematic previously”.

In response to our Preliminary View, the Licensee stated that it “did not suggest that it was not an accurate recording of the broadcast audio”. Revolution added:

“We accept that our response raises issues about the origin and nature of the log recording we submitted and we would like to again reassure you that it was an accurate representation of what was broadcast. It is important to understand that we have control over and can record what is sent to the transmitter - but after that we do not always have a listener with perfect FM reception listening in a quiet environment”.

## Decision

In each broadcaster’s licence, there are conditions requiring the licensee to retain recordings for a specific number of days after broadcast, and to comply with any request by Ofcom to produce recordings of programmes as broadcast. For community radio licences, this is reflected in Licence Conditions 8(1) and 8(2)(a) and (b).

The requirement for Licensees to retain recordings of their broadcast output is significant for Ofcom’s ability to carry out its statutory duties in regulating broadcast content, because a failure to retain recordings and produce them to Ofcom upon request prevents us from assessing the output of the service. This is a key part of the enforcement process for cases about compliance with both Licence Conditions (under the General Procedures) and the Broadcasting Code.

The requirement in Condition 8 of Revolution’s Licence refers to recordings of “the Licensed Service’s broadcast output”. Whilst we acknowledge that in most cases the studio and FM transmitter output will be identical, there are circumstances in which they are different, and in this case, in the context of related enforcement proceedings against the content, the Licensee relied on them being different.

The retention of recordings and their production to Ofcom is fundamental to Ofcom’s ability to carry out its statutory duties in regulating broadcast content. We reminded licensees of this in a [Note to Broadcasters](https://www.ofcom.org.uk/__data/assets/pdf_file/0013/242041/Note-to-broadcasters-Retention-and-production-of-recordings.pdf) (https://www.ofcom.org.uk/\_\_data/assets/pdf\_file/0013/242041/Note-to-broadcasters-Retention-and-production-of-recordings.pdf) in July 2022 (and acknowledge that this had not been published when the incident took place).

We note the Licensee’s view that it keeps “accurate recordings of everything that is broadcast” and therefore believed that it was in compliance with Condition 8 of its Licence. However, the Licensee has also clarified that, with regards to the above-referenced programme, it had only retained a studio recording, and not a recording from the licensed service’s broadcast output. The Licensee also accepted that its response “raises issues about the origin and nature of the log recording [it] submitted”.

Ofcom’s Decision is that Revolution Radio Limited is in breach of Licence Condition 8 for failing to retain and provide recordings of the service’s broadcast output.

We expect the Licensee to work to rectify this issue immediately. We will request recordings in future to ensure that the Licensee is compliant with this condition of its Licence.

#### **Breach of Licence Condition 8**