

Providing a service in accordance with ‘Key Commitments’, Sutton Youth Radio Ltd

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	Takeover Radio 106.9
Date & time	27 February to 5 March 2023
Category	Key Commitments
Summary	The Licensee failed to fulfil the requirements specified in its Key Commitments to provide the specified main types of music and speech output and the required number of hours of original output per day. Breaches of Licence Conditions 2(1) and 2(4).

Introduction

Takeover Radio 106.9 is a community radio station for young people ages eight to 25, living within the area of Ashfield. The licence is held by Sutton Youth Radio Ltd (“Takeover” or the “Licensee”).

Like other community radio stations, Takeover is required to deliver ‘[Key Commitments](http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000169.pdf)’ (<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000169.pdf>), which form part of its licence. These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the on-air programme service.

Ofcom received a complaint that Takeover was not broadcasting the service described in its Key Commitments, in particular that it was not providing the required amount of original or locally-produced output and that it was not broadcasting locally produced music or the required types of speech output.

Ofcom therefore requested recordings of the output of the service between Monday 27 February and Sunday 5 March 2023, as well as a full programme schedule for the week and an explanation of how Takeover was meeting its Key Commitments. In reviewing the information provided, the Licensee was

compliant with the locally-produced output requirement in its Key Commitments and we did not pursue this element of the complaint.

Having assessed the recordings, associated programme schedule and written response from the Licensee, it appeared that Takeover was not delivering the following Key Commitments:

- “Music. The main type of music broadcast over the course of each week is: chart music. Other genres, and locally produced music, also feature”.
- “Speech. The main types of speech output broadcast over the course of each week are: news, travel, weather and sports, community and event information, discussions, interviews and features of relevance to the target community”.
- “The service provides original output for a minimum of 10 hours per day”.

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Takeover’s licence. These state, respectively:

“2(1) The Licensee...shall provide the service specified in Part I (b) of the Annex for the remainder of the licence period”.

“2(4) ...the Licensee shall ensure that the Licensed Service accords with the proposals set out in Part I (b) of the Annex so as to maintain the character of the Licensed Service throughout the licence period”

We requested comments from the Licensee on how it was complying with the above conditions.

Response

The Licensee explained that during the week monitored the station manager was off sick with Coronavirus and programming was therefore disrupted. The Licensee continued that this and similar illnesses were common in the area at the time and that it is still “re-building participation and the broadcasting schedule” following the impact of the pandemic.

Takeover accepted that it has a responsibility to meet the Key Commitments and stated that it is working to rectify the concerns raised in the Preliminary View, including expanding its “locally produced music content” and including more regular speech and a greater amount of original output.

Music

Takeover set out that at least 95% of the music it broadcasts is “chart music from the last 5 years”, and also provided a list of shows broadcast including music from other genres. This list included ambient music to aid sleep, dance music and a show to “showcase elements like different music genres, British producers of music, songs related to music awards etc”.

Speech

The Licensee explained that the speech output in its programming “revolves around the purpose of the station as a personal development and personal presentation...training vehicle for largely disadvantaged young people”. It set out that shows are “entirely written and presented by young people” and feature young people talking about issues and concerns that are relevant to them. Takeover stated that these shows also include sport, news and weather content. The Licensee also

explained that there are one-off shows broadcast throughout the year relating to the Duke of Edinburgh Award and World Book Day, the latter of which was broadcast during the week monitored.

Original output

The Licensee stated that its regular original output includes:

- a one-hour daily pre-recorded show on “different styles/producers of music”;
- a one-hour pre-recorded afternoon show three days a week “with various young people/themes”;
- a one-hour weekly pre-recorded Dance show;
- a two-hour live show presented by young people three days a week;
- a one-hour weekly pre-recorded show with a local school; and
- a one-hour weekly “Weekend Wind Down” show.

The above amounts to between two and five hours of original output scheduled per day. Takeover explained that the week monitored also included a pre-recorded show about World Book Day, which constituted original output. The Licensee stated that the station manager’s absence meant that the live shows were not broadcast during the week monitored, but all the pre-recorded programmes were broadcast.

Takeover noted that this “is well short of the Key Commitments” and indicated that it intends to submit a request to Ofcom to reduce the number of original output hours it is required to broadcast under its Key Commitments.

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments. This is a fundamental purpose for which a community radio licence is granted.

We acknowledge that the Licensee has attributed the disruption in programming during the week monitored to the impact of the station manager being unwell with Coronavirus. We also note that the Licensee said it is rebuilding its operation following the pandemic.

In our [Note to broadcasters published in issue 424 of our Broadcast and On Demand Bulletin dated 12 April 2021](#)¹, Ofcom stated that: “If you anticipate that you may still face challenges in meeting any of your production and programming commitments beyond 30 September 2021 as a result of the ongoing impact of the pandemic, we ask that you notify us as soon as possible before this date to explain what obligation(s) may be missed, the circumstances that have led to this, and any mitigations you have sought to put in place. We may seek further relevant information as necessary. If no attempt to contact Ofcom is made and a licensee subsequently fails to meet its programming and production commitments, we may commence enforcement action”.

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0024/217239/Coronavirus-update-to-broadcast-licensees-April-2021.pdf

Ofcom did not receive any notification from Takeover about the ongoing impact of the pandemic or the specific disruption to its service during the week monitored due to the station manager's absence. We expect licensees to have plans in place to meet their Key Commitments when volunteers are unable to broadcast or supervise other volunteers. We expect licensees to keep us informed of any ongoing issues as early as practicable, especially if the issue that a licensee is experiencing is impacting its ability to meet its Key Commitments.

Music

The output during the week monitored was predominantly chart music, and other genres were also included in programming. However there was no evidence of locally produced music, nor did the Licensee highlight any programmes that would usually feature this type of music. We acknowledge the Licensee's statement that it is working to expand this, but we therefore consider that the Licensee did not meet the requirement to include locally produced music as part of the main types of music broadcast over the course of each week.

Speech

As the Licensee stated, the content featured and was relevant to young people. The speech content present during the week monitored consisted of features of relevance to the target community, such as a show about World Book Day and a show including young people talking about being on the radio. The week monitored also included some interview content, and presenter content mostly consisting of information about the music being played. There was no news, travel, weather, sport, community and event information or discussions.

We acknowledge that the reduction in programmes broadcast due to the station manager's illness may have contributed to the absence of this content but we consider that the Licensee did not meet the speech requirement in its Key Commitments during the week monitored.

Original output

Ofcom's assessment of the recordings provided by the Licensee demonstrated that the service was not meeting its Key Commitment to broadcast a minimum of 10 hours per day of original output. We found that Takeover underdelivered on its daily requirement every day, broadcasting a maximum of between one and three hours of original output each day. Additionally, during the same week, had the schedule been an accurate representation of the content broadcast, Takeover had planned to broadcast between two and five hours of original output each day. The Licensee has therefore significantly underdelivered on its weekly original output requirement of 10 hours and this cannot solely be attributed to the absence of the station manager.

We appreciate the Licensee has informed us of its intention to request a change to its original output hours to ensure that its Key Commitments will be met going forward. We would like to remind all community radio licensees that if they want to change their Key Commitments they need to submit a Key Commitment change request which must be **approved** by Ofcom before they make any changes to their output.

We note that the Licensee intends to increase the amount of original output scheduled per week in order to meet this requirement. We acknowledge the challenges the Licensee has experienced because of the station manager's absence and recognise that this particularly impacted its ability to

broadcast the planned original output. However, ultimately the Licensee did not have sufficient programming planned to fulfil its original output hours regardless, and it had not informed Ofcom of the ongoing challenges prior to Ofcom requesting information relating to this complaint.

Conclusion

Ofcom's Decision is that Takeover is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitments:

- "Music. The main type of music broadcast over the course of each week is: chart music. Other genres, and locally produced music, also feature".
- "Speech. The main types of speech output broadcast over the course of each week are: news, travel, weather and sports, community and event information, discussions, interviews and features of relevance to the target community".
- "The service provides original output for a minimum of 10 hours per day".

We expect the Licensee to work to rectify this immediately. Ofcom will monitor the service to ensure that Takeover is complying with its Key Commitments.

Breaches of Licence Conditions 2(1) and 2(4)