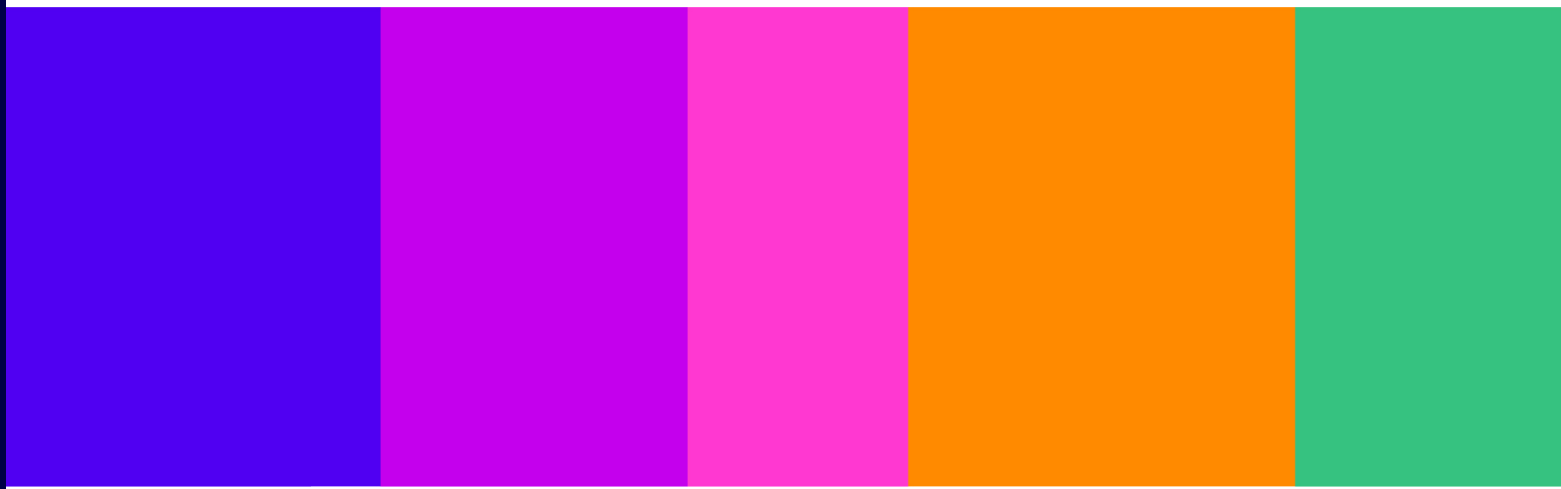# Community Radio: future approach to Key Commitments

Statement on Ofcom's proposal to streamline and simplify Key Commitments

Statement

Published 13 November 2024

Contents

1. Overview

1.1   This document sets out changes that Ofcom is making to the Key Commitments included in community radio licences.

1.2   Community radio services broadcasting on FM or AM (analogue) provide social gain and other community benefits on a not-for-profit basis.

1.3   Each station is required to provide the service described in its licence, which is based on the proposals it made during the application process for the licence. These service descriptions recorded in community radio licences are called 'Key Commitments'.

1.4   We consulted in March 2024 on a series of proposals to streamline and simplify Key Commitments by removing specific weekly quotas. In the consultation, we set out our view that the current format of Key Commitments focuses too heavily on specific quotas rather than the qualitative aspects of community radio licences, namely the character of service (which defines what a station sounds like and who it is for) and social gain requirements. Our view, supported by feedback received from stakeholders in the community radio sector, was that these aspects of the Key Commitments diverted resources away from meeting the core requirements, and that removing them would greatly increase licensees' flexibility to manage their resources effectively.

1.5   We received twenty-one responses to the consultation, which have been published (in whole or in part) on our website.

What we have decided – in brief

Most responses supported our proposals, and we have decided to go ahead and remove the vast majority of Key Commitments quotas on:

- The types of programming to be broadcast, e.g. the main types of music and speech output.

- The number of hours of original output broadcast each week.

- The number of hours of locally-produced output broadcast each week.

- The languages broadcast on the service.

Taking into account the responses we received, we have however decided to develop some additional principles for compliance with off-air social gain requirements. These changes should provide further guidance to licensees when considering whether they are complying with their Key Commitments going forward.

The overview section in this document is a simplified high-level summary only. The decisions we have taken and our reasoning are set out in the full document.

2. Background

2.1   Ofcom awards analogue community radio licences, typically for services that cover a small geographical area. Services are run on a not-for-profit basis. They can cater for whole communities or for different areas of interest – such as a particular ethnic, age or interest group. The licences last for up to five years at a time but can be extended for further periods. There are many differences between individual community radio stations, and the sector is made up of many small stations, all in single ownership.

2.2   When Ofcom has previously invited applications for community radio licences, we assessed applications against a set of statutory requirements. While some of these need only be considered at the point of application, others are relevant during the full duration of a community radio licence. These include requirements relating to the social gain delivered by a station, and the character of the service to be broadcast. In order to ensure that these requirements are met, they are written into community radio licences as Key Commitments. Legislation also requires Ofcom to include licence conditions to secure that the character of the licensed service, as proposed in the application, is maintained during the licence period.

2.3   Key Commitments are important for many parts of the community radio licensing regime, including compliance and enforcement, and decisions about requests to vary community radio licences (and character of service requirements).

2.4   A detailed legal framework, as well as a full rationale for our proposals, is set out in the [consultation document](#).

2.5   In our consultation, published in March 2024, we sought views on proposals to simplify the Key Commitments of analogue community radio services, which would remove specific requirements about the types of music and speech content which stations must broadcast every week, as well as removing quotas for the amount of original and locally-produced output to be broadcast each week. Our objective in putting forward these proposals was to remove inflexible quotas, which consumed significant amounts of licensee and Ofcom resource, while protecting the core character of service requirements and the social gain obligations placed on community radio licensees.

2.6   We also proposed some broad compliance principles. We explained that these are intended to provide some high-level principles for licensees to take into account when considering whether they are complying with their Key Commitments. We also explained that we intend to take these principles into account when deciding whether to open, and as part of any, formal investigation into whether a licensee may be in breach of its Key Commitments.

3. Responses to the consultation and Ofcom's decisions

3.1   We received twenty-one responses to the consultation, from a variety of groups and individuals. We received responses from the representative bodies of the community radio sector, the Community Media Association ('CMA') and the UK Community Radio Network ('UKCRN'), as well as from Radiocentre, the representative body for the commercial radio sector. We also received responses from thirteen community radio stations (Angel Radio, Ashdown Radio, Cross Counties Radio, Dales Radio, DevonAIR Radio, GTFM, Oldham Community Radio, Radio Saltire, RWSfm, Thornbury Radio, Winchester Radio and two stations who wished to remain anonymous), two organisations connected to the community radio sector (Better Media and Maxxwave), one response from an organisation who wished to remain anonymous and two responses from individuals.

3.2   The relevant points made in response to each proposal are summarised below, together with our consideration of these points and our decision regarding each proposal.

Music requirements

3.3   In our consultation, we set out a proposal to remove specific music genre requirements from community radio licences. We explained our view that, other than for specific genre-based stations, music requirements are not central to the character of a community radio service. We explained that removing these requirements would provide licensees with more flexibility, both on an ongoing basis in terms of managing specialist music programming, and in the longer-term to adapt its music output to changing audience needs.

3.4   The clear majority of responses we received supported this proposal. Of the twenty-one responses, seventeen were clearly in favour of our proposal. These responses cited factors like resource flexibility, reduced burden of dealing with complaints about specific music genres, and the ability to adapt music formats over time to reflect changes in audience habits.

3.5   Better Media's response set out its concerns that removing music requirements would lead to a homogenisation of content, thus undermining the diversity and unique character of community radio when compared to other providers in the radio market. Radiocentre also highlighted this concern, arguing that this proposal could lead to 'mission drift' in parts of the community radio sector, with some stations becoming similar to local commercial stations, rather than providing unique services as community radio was established to do.

3.6   We recognised in our consultation that the removal of music format requirements could lead to stations, as a whole, broadcasting more mainstream music. However, as we set out in the consultation, where specialist music is a particularly important part of a station's character of service (for example genre-based stations), we will ensure that this is reflected in the station's character of service requirements. Paragraph (e) of our compliance principles (set out in Annex 1) also explain that where specialist programming is included in a service's Key Commitments, the licensee must ensure that specialist programming is given appropriate prominence.

3.7   Overall, we consider that stakeholders did not raise any new points which we had not considered, and for the reasons set out above we continue to consider this proposal to be appropriate.

Speech requirements

3.8   In our consultation, we proposed to remove specific speech genre requirements from community radio licences. Similarly to music requirements, we explained that specific types of speech content were rarely central to a station's character of service, and that requiring stations to broadcast a specific list of genres each week limited the flexibility of licensees to adapt their content over time.

3.9   A clear majority of responses supported this proposal, with sixteen respondents in favour. Licensees responding in favour highlighted the ability to adapt their content over time to changing audience needs, and emphasised the inherent need for community radio stations to provide locally-relevant content as one of the central purposes of community radio.

3.10   Better Media, disagreeing with the proposal, suggested that removing these requirements could lead to a drop in locally-relevant content, and make it harder for stations to effectively engage with their communities. As with the music requirement, Radiocentre expressed concerns that this proposal could lead to the 'commercialisation' of some community radio stations.

3.11   Some respondents who were, as a whole, in favour of the proposal, highlighted a need to ensure that community radio stations continue to deliver high-quality, unique speech content to their audiences. For example, Lucinda Guy argued for a new requirement on stations to broadcast a diverse range of speech content featuring different styles and perspectives.

3.12   We recognise that removing speech requirements could have the potential to lower the quality and diversity of speech content on community radio. However, we are confident that our compliance principles, and our continued focus on ensuring stations meet both their character of service and social gain requirements, will ensure that this risk does not materialise.

3.13   In our compliance principles, we explain that we would ensure any specialist speech programming which is particularly relevant to a station's character of service is captured in the new Key Commitments format. We have also recognised, in our principles around social gain compliance, that stations can and should meet some of their social gain requirements on-air through speech programming. We expect that, in these ways, the unique character of speech on community radio will continue to be delivered.

3.14   Overall, we do not consider that any new points were raised in the consultation responses about speech programming, and believe that our compliance principles will prevent the concerns raised by some stakeholders materialising. For the reasons set out above, we continue to consider it is appropriate to propose varying licences to implement this proposal.

Original and locally-produced output

3.15   We proposed to remove the current requirements for stations to broadcast a certain amount of original and locally-produced output on a daily or weekly basis.[1] In the

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[1] Original output refers to content created by a station and broadcast for the first time. Locally-produced output refers to content created and broadcast from within a station's coverage area.

consultation document, we explained that we felt the current quotas were not useful and often counter-productive, as they forced stations to focus on meeting hours requirements rather than on creating entertaining, relevant content for their audiences. We also highlighted the significant amounts of Ofcom and licensee time spent dealing with complaints about marginal under-delivery against these quotas (which we do not feel deliver significant benefits for audiences) and recognised that these proposals would provide flexibility for licensees reliant on volunteer resource, which by its nature can be inconsistent.

3.16   A majority of respondents supported removing both of these requirements. Sixteen favoured removing original output requirements, and fourteen supported the removal of locally-produced output requirements.

3.17   Respondents in favour of these proposals agreed with the reasoning set out in our consultation document, highlighting the flexibility that these proposals would provide for community radio stations. Respondents highlighted that this would allow stations to focus more on producing high-quality, relevant content (including where that content is repeated), produced from outside the licence area or shared with other stations. One respondent put forward the example of stations in a particular region (such as the Scottish Highlands) sharing relevant programming, which would help to maximise resources in these rural areas.

3.18   A number of respondents, including some of those who were in favour of these proposals as a whole, highlighted a need to ensure that stations continued to produce specific, locally-relevant content, and avoid over-use of syndication or repeats. A number of respondents who were in favour of these proposals suggested we should focus on ensuring that licensees broadcast locally-relevant content, rather than regulating where programmes are created.

3.19   Respondents opposed to these proposals cited similar factors. Better Media, for example, stated that removing these quotas would lead to a loss of unique, relevant and engaging content, arguing that the proposals would lead to a homogenisation of content with a lesser community focus.

3.20   We agree with respondents that local, original content is central to the effective provision of community radio. Without original, locally-relevant content, it is unlikely that stations could effectively serve their target communities. Nonetheless, for the reasons which we set out in our consultation and which a number of respondents also highlighted, we believe that the current quotas are not the most effective way of securing this content.

3.21   In particular, our compliance principles specifically address these points. We have stated that we expect all licensees to continue to broadcast original and locally-produced output, and that we expect most licensees to do so daily. As with speech content, we consider that it would be hard for stations to demonstrate their provision of on-air social gain without broadcasting original, locally-relevant content. Similarly, while we recognise that the removal of a specific locally-produced output quota provides additional flexibility for licensees and volunteers, licensees should continue to prioritise opportunities for volunteers in the local area. We have clarified this in compliance principle (h) in Annex 1 below.

3.22   Our view is that the compliance principles emphasise the importance of original and local content and sufficiently mitigate the risk of the concerns raised by some stakeholders materialising. Therefore, we continue to consider it is appropriate to propose

varyinglicences to implement the proposal to remove original and locally-produced output requirements from licences.

Language requirements

3.23   A number of stations currently have requirements to broadcast in minority languages, reflecting their target community or part of it. In some cases, the requirements list a number of languages which may no longer be relevant in the area or may be difficult for stations to broadcast where certain volunteers are no longer available. Recognising the challenges in this area, we proposed to remove this specific aspect of Key Commitments. Where we feel particular languages are important to a station's character of service, we proposed to add this into the character of service description.

3.24   We received fewer responses to this proposal, as a number of respondents acknowledged that it was not relevant to their station, or not an issue where they had relevant experience. Of the responses we received, twelve were in favour with two opposed.

3.25   Respondents supporting the proposal highlighted increased flexibility for stations. Some stations responding, such as GTFM and Oldham Community Radio, stated that they would like the flexibility to broadcast in minority languages occasionally, or where resources permitted, without this becoming a permanent, specific aspect of their licence conditions.

3.26   Better Media argued against the proposal, saying that language requirements are essential for promoting linguistic diversity and supporting the identity of minority communities.

3.27   As set out above, we will ensure through the simplification process that language requirements are enshrined in character of service descriptions where they are central to a station's identity, such as where that station is targeted at specific minority audiences. However, we think it is proportionate to remove language requirements in other cases where those requirements are based on historic commitments (often made at the point of application) which are no longer relevant.

3.28   We believe, and the majority of respondents agreed, that this approach will ensure that non-English language requirements are proportionate and targeted. We therefore continue to consider it is appropriate to propose varying licences to implement this proposal.

Standardisation of language

3.29   As part of our overall approach, we proposed to standardise some of the language used in the character of service descriptions for community radio services. We recognise that, if we remove the other aspects of Key Commitments, the character of service description will have an even greater importance, and that is therefore important to ensure these descriptions are clear and enforceable.

3.30   In the consultation, we explained that our experience of enforcing character of service conditions demonstrated that these could be inconsistent between stations, both in the language used and in the level of detailed contained.

3.31   Most respondents supported this proposal – thirteen respondents were clearly in favour. Among other things, these respondents highlighted that this proposal would create a more transparent, streamlined regulatory environment.

3.32   Better Media, opposing the proposal, suggested that standardising the language would lead to a loss of distinctiveness in community radio stations.

3.33   As set out in our consultation, we do not intend to standardise all of the language in character of services – each station will retain a distinctive, specific character of service. Our proposal is to ensure that where stations have similar characteristics (for example, a geographical station or a station for a particular ethnic group) this is described in the same way. We believe that this approach will ensure consistency across the sector without sacrificing the unique character of each station.

3.34   Therefore, we continue to consider it is appropriate to propose varying licences implement this proposal as described in our consultation.

Impact assessment

3.35   In our consultation we provided our assessment of the likely impacts of our proposals, including on groups with protected characteristics under equality legislation.[2] A majority of respondents agreed comprehensively with our assessment of impacts. Below, we have summarised the potential impacts we identified and the responses relating to these impacts.

Impacts on licensees

3.36   In our consultation we explained that we expected licensees to be positively impacted by our proposals. One of the central reasons for adopting these proposals was to provide licensees with additional flexibility, both in terms of how they manage their resources, and the programming they broadcast to serve their communities. We did recognise that some licensees could be negatively impacted by the removal of clear, specific quotas, and proposed our compliance principles to help ensure these licensees understood Ofcom's expectations of how licensees might comply with the conditions of their licence.

3.37   A majority of licensees who responded agreed with our assessment of the impacts of our proposals. A number of respondents stated that removing the focus on quota-based Key Commitments would allow the sector to embrace creative, community-focused projects, highlighting this as a particularly positive impact of our proposals. Other licensees agreed with our reasoning that these proposals would provide a needed increase in flexibility for stations – GTFM, for example, highlighted difficulties in maintaining volunteer availability since the Covid-19 pandemic and subsequent cost of living crisis and argued that these changes would help stations navigate these challenges more easily.

3.38   Better Media suggested that, rather than providing licensees with additional flexibility, these proposals would increase the administrative burden on licensees by making it more difficult for them to demonstrate and report on compliance with their Key Commitments.

3.39   Better Media also said that these proposals could threaten the financial viability of community radio stations, making it harder for stations to attract funding without specific requirements to highlight to funders.

3.40   We recognised in our consultation that our proposed changes could make it harder for some licensees (including particular groups, such as licensees for whom English is not a first language) to understand how they can ensure that they comply with their Key Commitments. As explained in our consultation, we established our compliance principles in order to make clear our expectations for how stations can comply with their Key Commitments. As explained in paragraph 3.54 below, we have also decided to develop some additional principles for compliance with off-air social gain requirements which

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[2] Our legal obligations relating to impact assessments were set out in Annex 2 of our consultation.

should provide further guidance to licensees. If we become aware of a licensee that may be having difficulty understanding how they should comply with their Key Commitments, we will consider what steps it may be appropriate for us to take in the circumstances which may, for example, include inviting the licensee to a compliance meeting.

3.41   We did not receive responses from any community radio licensee indicating they would find it harder to demonstrate compliance with their Key Commitments, and the majority of respondents agreed with our assessment that these changes would have a positive impact on licensees.

Impacts on audiences

3.42   In our consultation we explained that we believed target audiences would, as a whole, be positively impacted by these proposals. We set out our view that the proposals would allow licensees to place a greater focus on serving their communities through on-air and off-air social gain provision, which would benefit audiences. We acknowledged a potential risk that some listeners could see a reduction in service, but highlighted a lack of evidence that this risk would materialise and, as above, explained how we propose to mitigate this risk through our compliance principles. These principles set out, among other things, our expectation that licensees continue to consistently broadcast original and locally-produced output in order to meet their character of service.

3.43   While our compliance principles highlighted the ways in which we proposed to ensure that all community radio stations continued to provide a strong service, some respondents nonetheless felt that these proposals would lead to a harmful drop in the amount of relevant content delivered to communities, and would instead lead to increased automation.

3.44   Better Media highlighted a potential impact on minority groups, arguing that without specific commitments, licensees would deliver mainstream content which can be more easily commercialised and provide a reduced service for the groups they were licensed to serve. It also suggested that removing specific requirements would make it harder for listeners to hold stations accountable.

3.45   We note that some of our compliance principles were developed to ensure, as far as possible, that stations continue to provide a good service to listeners, including content which provides on-air social gain to listeners. Specifically, we have set out that we expect most licensees to broadcast some local and original content each day, recognising that this content is most likely to be relevant to listeners and aid in the delivery of social gain without imposing prescriptive or arbitrary quotas on licensees.

3.46   We recognise that a drop in service delivered to listeners remains a potential risk following the implementation of these proposals. We will monitor this area closely to ensure that licensees continue to deliver a locally-relevant, distinctive service. However, our view as set out in the consultation is that the current regime has not guaranteed these aspects of delivery, instead focusing on whether licensees are meeting specific quotas. Our view (which most respondents agreed with) is that these changes will allow licensees and Ofcom to place a greater focus on the delivery of social gain and high-quality, relevant content.

Impacts on how Ofcom fulfils its regulatory functions

3.47   In our consultation, we highlighted that we have, in the past couple of years, faced an increasing number of complaints about licensees not meeting one or more of the quotas in their Key Commitments. We explained that our proposal should result in fewer complaints relating to a failure to comply with specific quotas (in particular a small breach of one quota on a specific day) and therefore fewer formal investigations into issues which are unlikely to improve the quality of content for listeners. We also highlighted that the majority of Key Commitment change requests we receive are to reduce original and/or locally-produced output requirements.

3.48   A number of licensees supported this assessment of impacts, highlighting what they perceived to be vexatious complaints which absorbed a lot of time from both Ofcom and licensees.

3.49   Some licensees, supporting our assessment of the impact of these changes on our fulfilment of our regulatory functions, made suggestions about how Ofcom could use the resources it will save through these changes. The CMA, for example, called for Ofcom to provide support for community radio stations, particularly related to the provision of local news and information.

3.50   We have recognised that we expect to spend less time handling quota-based complaints or Key Commitment change cases once these proposals have been implemented. We see this as a positive impact insofar as it will allow us to focus more resources on areas more likely to harm consumers, rather than expecting that Ofcom will now be able to provide support directly to the community radio sector. For the avoidance of doubt, it is not Ofcom's role to provide financial or journalistic support to community radio stations, and in any case, we are not experts in the day-to-day running or management of radio services.[3]

3.51   We do not consider that respondents raised any points affecting our assessment of the likely impact of these changes on how Ofcom fulfils its regulatory functions, other than points we had already identified and addressed.

Other Impacts

3.52   Some respondents also highlighted potential impacts of our proposals which were not specifically addressed in our consultation.

3.53   Some respondents argued that these proposals would have a negative impact on potential volunteers, by shifting the focus of Key Commitments away from original and locally-produced output requirements, which generally require volunteer input. This was also linked by some respondents to a potential risk to the diversity of volunteers within community radio – these respondents felt that our proposals would strengthen the ability and willingness of managers to turn away potential volunteers.

3.54   We recognise that our compliance principles did not specifically address the 'social gain' elements of community radio Key Commitments, although we recognise the fundamental importance of social gain delivery to the community radio licensing regime. We are confident that licensees will not use these proposals to significantly cut programming or volunteering opportunities, given these are two of the fundamental pillars of community radio. However, in order to make clear our expectations around how licensees meet their off-air commitments, we have added further compliance principles (g) – (l) in Annex 1

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[3] Ofcom administers the Community Radio Fund, which provides grants to support the core costs of community radio, on behalf of and under agreement with DCMS.

below. These new compliance principles explain the type of factors we will consider when assessing whether a station is meeting its off-air Key Commitments.

3.55 Radiocentre stated that we had not considered the impact of our proposals on commercial radio, and especially on small commercial radio operators. It argued that the combination of these proposals and DCMS's recent consultation on changes to community radio funding rules could lead to the increased commercialisation of community radio, threatening the viability of some small commercial operators. In raising this issue, Radiocentre called for appropriate monitoring of the community radio sector to ensure that it maintained a clear focus on local, community-focused content rather than broadcasting similar content and commercially-focused material to commercial competitors in the local market.

3.56 We acknowledge the potential impact on commercial radio operators raised by Radiocentre. However, as set out elsewhere in the consultation and this statement, we do not expect to see significant changes in the service provided by most community radio stations as a result of these proposals, which are instead about providing greater flexibility for stations in considering how best to deliver a service to their audiences. We believe that the remaining Key Commitments (relating to the character of the service and the off-air Key Commitments) will be sufficient to ensure that the community radio sector remains distinct from commercial radio and continues to deliver for its audiences.

Welsh language impacts

3.57 In our consultation we explained that we did not expect our proposals to have an impact on the use of the Welsh language, as we proposed that all stations which currently carry an obligation to broadcast in the Welsh language would continue to do so, by adding a line into their character of service descriptions. We also explained that, in the context of these proposals, we did not think it would be appropriate to include additional Welsh language obligations on any services.

3.58 Most respondents, which are based outside of Wales, did not address our assessment of impacts on the Welsh language. Of those who did reply, most supported our proposal to safeguard Welsh language requirements through character of service descriptions. We received one response from a stakeholder based in Wales, who agreed with our assessment of the impacts on the Welsh language but suggested that Welsh licensees who do not have Welsh language requirements in their licence should consider whether it would be appropriate to broadcast some content in the Welsh language.

3.59 Some respondents may not have understood this aspect of our proposals, as they argued for us to maintain specific Welsh language commitments to prevent any loss of Welsh language programming. To confirm, we proposed that all stations with Welsh language requirements at present will continue to have these requirements in their licence after these proposals have been implemented.

3.60 Some respondents suggested that all stations in Wales should have Welsh language requirements, and that Ofcom should provide funding and support for more Welsh language programming. As set out above, Ofcom's role is not to provide funding and support to community radio, but rather to ensure it is regulated proportionately.

3.61 It is also important to note that Ofcom does not have the power to 'impose' Welsh language requirements, but rather includes them in licences where the licensee has committed (usually at the point of application) to broadcasting some Welsh language content. We therefore do not consider it would be feasible to impose new requirements on

some licensees, although we would encourage any other licensees in Wales to broadcast Welsh language content if they wish, even where they are not obliged to do so by their licence.

Other responses

3.62 Some respondents raised issues which did not appear to be directly related to any of the consultation questions. These were typically more general comments on community radio regulation outside of our proposals.

3.63 Some respondents called on Ofcom to advertise more analogue community radio licences. We have previously explained that we are not currently planning to advertise more analogue licences while we focus our resources on the rollout of small-scale DAB around the country. This continues to be the case.

3.64 A number of community radio stations who responded argued for Ofcom to also remove the requirement for stations to maintain a studio in their licensed coverage area, arguing that this was an anachronistic requirement given the rise in remote broadcasting technology.

3.65 We recognise that studio facilities can be a significant cost for community radio stations, and that some volunteers may be comfortable broadcasting remotely. However, we believe that having a studio within the licensed coverage area is important for the delivery of social gain. Studio facilities are important for allowing volunteers and potential volunteers to access the station, to gain training and participate in the service, and for ensuring the station is accountable to its target community.

3.66 Maxxwave's response called for almost complete deregulation of AM stations, other than requirements under the Broadcasting Code. It called for us to remove all character of service requirements on AM community radio stations, arguing that Ofcom should do more to incentivise stations to broadcast on AM. While future use of the AM spectrum is a longer-term issue for Ofcom to consider in due course, we do not think it is appropriate through this process to deregulate AM community radio stations, given that these stations were and continue to be licensed on the same terms as all other community radio stations, and given that we do not currently plan on advertising any more licences for the reasons set out above.

3.67 Radiocentre called for a new requirement on community radio stations to hold a public file, including their Key Commitments and records of how they are complying with these requirements. While we do not want to be prescriptive about the format in which stations demonstrate compliance with their Key Commitments, we have included in our compliance principles suggestions about how licensees can do this in order to ensure they are accountable to their target community.

3.68 Finally, some stakeholders called for us to reconsider our statement that we would assess compliance over the course of a week, in the case that we receive a complaint about a station's compliance with its Key Commitments. Respondents highlighted that the nature of volunteer operations can lead to inconsistent delivery if, for example, volunteers are unavailable at short notice.

3.69 We recognise that there are a number of factors which can impact a station's delivery of its service over a specific week. However, we also believe that any other method of enforcement (a longer period, or assessing a station's compliance in an 'average' week) is likely to be less effective, either because it required a disproportionate amount of licensee

and Ofcom resource, or because it would allow poorly performing stations to present a more favourable picture of their compliance. For these reasons, we will continue to assess compliance over the course of a specific week – generally, in the case of a complaint, the week during which the complaint was raised.

Our decisions

3.70   As explained above, there was general support for all the proposals we set out in our consultation. We continue to believe that these proposals will create a more proportionate regime for community radio, allowing Ofcom and stations to focus on the key aspects of community radio such as a station's character of service and its delivery of on-air and off-air social gain to its target community. We recognise the concerns from some stakeholders around a potential risk of reduction in the service delivered to some audiences. Some stakeholders also felt these potential service reductions would have an especially negative impact on certain groups and their ability to engage in their local service.

3.71   We highlighted these risks in our consultation document, and it was in order to address these concerns that we developed our compliance principles. In light of the feedback from some respondents, we have further developed these principles to include our expectations for how licensees will deliver off-air social gain, such as training and accountability measures. We believe that these amended principles will ensure that the service delivered to listeners is maintained, while providing stations with more flexibility in the management of their resources and the ways in which they choose to appeal to their audiences.

3.72   We have not identified a more appropriate way in which we could generate the desired outcome, in terms of the positive impacts we expect for licensees, listeners and Ofcom. Similarly, the responses to our consultation did not identify a more appropriate way of delivering these benefits for the sector or suggest to us that our proposals may be disproportionate. For the reasons set out above, we continue to consider our proposals to be a proportionate and appropriate redefinition of the Key Commitments of community radio stations.

3.73   We have therefore decided to proceed with our proposals to simplify the Key Commitments of analogue community radio licensees.

4. Next steps

4.1   In accordance with section 86(5)(b) of the Broadcasting Act 1990, we will shortly be writing to all analogue community radio licensees to start the formal licence variation process and propose new draft character of service descriptions. These will be based on the character of service description already included in each respective licence and, as explained above, we will propose that the Key Commitments include standardised wording and any aspects of programming which we consider to be fundamental to the station's character. We will otherwise propose to remove quota-based Key Commitments.

4.2   We will seek representations from each licensee on its proposed amended character of service, and welcome input from licensees about their new, refreshed commitments. We will write to licensees by post at their registered address and send a copy of the letter by email to the licence contact we hold on file. We remind licensees that they should keep their contact details up to date with Ofcom and to email broadcast.licensing@ofcom.org.uk if these have changed ahead of the variation process commencing.

4.3   Where a licence has a corresponding community digital sound programme (C-DSP) service licence, we may seek to vary the Key Commitments for that service where changes to the character of service impact the corresponding C-DSP service.

4.4   We expect to provide at least two weeks for licensees to make representations to Ofcom. Once the period for representations has passed and we have taken any representations into account, we will decide whether and how to vary each licence, either individually or in a batch depending on timing and resource factors. The varied Key Commitments would come into force for each licensee on the date of any Variation Notice Ofcom issues at the end of the process. Until this date the existing Key Commitments remain in force.

A1. Compliance principles

In our consultation, we published a set of proposed compliance principles, designed to outline some of the things we would take into account when reviewing complaints about a station's compliance with its character of service obligations. Following suggestions from a number of respondents, we have developed some additional principles for compliance with off-air social gain requirements. These principles are set out in full here, for completeness.

a) Ofcom's approach to assessing complaints about stations' compliance with their Key Commitments is to assess compliance over the course of a week, using recordings and written information provided by the station.

b) When considering compliance with character of service obligations, stations should ensure that it is clear from listening to their content who their target community is at all (or at least most) times. We expect that a station aimed at a particular ethnic minority, for example, would sound different from a station with a 'mainstream' character of service.

c) Where not all programming is specifically created for their target community, licensees should consider the proportion of the service which is given to different aspects of programming. For example, licensees should consider the amount of syndicated programming or back-to-back music they broadcast compared to originally created content.

d) In order to serve the target community, having presenters from the target community is desirable both in providing relevant content to meet the character of service and in meeting a station's social gain objectives. In any case, programming should appeal to the target community and reflect the character of service.

e) Where specialist/specific programming is referenced in a station's character of service, we recognise that it might only form a small part of a station's overall programming. However, licensees should ensure that this programming is carried consistently and appropriately scheduled and signposted to ensure that listeners are aware of it and can benefit from it. For example, stations which include reference to health and wellbeing in their character of service should consider how this is reflected across the schedule, considering the most appropriate days of the week and times of day to broadcast the content, and how such programming is promoted on-air.

f) While we have removed the specific quotas relating to original and locally produced output from Key Commitments, we expect that most stations will continue to broadcast some original and locally produced output each day.[4] We would generally consider that a station broadcasting no content of this type would struggle to meet its character of service and deliver social gain for its target community. In the event of Ofcom assessing a licensee's compliance with its Key Commitments (as a result of a complaint or monitoring), a licensee must be able to demonstrate to Ofcom how the amount of original and locally-produced content it broadcasts enables it to meet its character of service and social gain commitments.

g) Stations are required to facilitate discussion and the expression of opinion, both in allowing presenters to use the station as a platform to express opinions, but also to encourage

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[4] For this purpose, we define original output as content created by the station broadcast for the first time, and locally-produced output as content created and broadcast from within the station's coverage area.

members of the community to engage in discussion. This could be facilitated through different types of speech programmes inviting and reflecting audience views (phone-ins/social media etc) or shows featuring content about current affairs, or with a journalistic slant. It could also be achieved through off-air events such as community forums.

h) A central purpose of community radio is to provide education and/or training to volunteers and members of the community. Stations should consider how they conduct training – how regularly, what types of training they offer (which could be a combination of on-air and off-air skills), and how they make members of the community aware of the opportunities on offer. Stations should prioritise making opportunities available to local members of their target audience.

i) There are a number of ways in which a station can promote a better understanding of its target community, including but not limited to: community-focused speech programming, hosting off-air events or forums, holding open days or extending broadcast interview opportunities to different community groups. Stations should endeavour, where possible, to ensure that volunteers from across their target community are given opportunities to participate in the service.

j) In seeking to ensure that members of the target community contribute to the operation and management of the service, stations should consider their training opportunities and how those feed into the day-to-day operation of the service. This does not just mean training on-air presenters, but also providing training for off-air roles, which could include book-keeping, advertising sales, volunteer co-ordination, fundraising, training leaders or a variety of other roles. Stations should also ensure that members of the target community can contribute to how a station is managed – this could be through holding elections for leadership roles, establishing, and making use of, advisory groups comprised of members from within the target community or having mechanisms by which volunteers can feed into management discussions, among other things.

k) Stations should ensure they are accountable to their target community, both in the on-air service they deliver and in their off-air activities. Licensees could consider publicising their Key Commitments, holding open AGMs with publicly available minutes, providing regular opportunities for feedback on the content they broadcast, or publishing reports of their activities for the community to access, among other things.

l) As with on-air performance, we consider that community radio stations are, on the whole, best placed to determine how to arrange their off-air social gain provision in a way which best reflects the needs of their target community. However, we expect stations to be able to explain in detail how they are meeting this requirement if asked, as well as be able to provide to Ofcom relevant evidence/examples to demonstrate their commitment to social gain.