

# Ofcom Broadcast and On Demand Bulletin

Issue 431  
19 July 2021

## Retention and production of recordings

<b>Type of case</b>	Broadcast Licence Conditions
<b>Outcome</b>	In Breach
<b>Service</b>	Link FM
<b>Date &amp; time</b>	April 2021
<b>Category</b>	Retention and production of recordings
<b>Summary</b>	The Licensee failed to provide recordings to Ofcom for the purpose of assessing the content. Breaches of licence conditions 8(1) and 8(2)(a) and (b).

### Introduction

Link FM is a community radio station for the Pakistani and Muslim communities in parts of Sheffield. The licence is held by The Pakistan Muslim Centre (Sheffield) Limited (“Link FM” or “the Licensee”).

Ofcom received a complaint about the broadcast of offensive language during a programme broadcast on the morning of 14 April 2021. Ofcom therefore requested a recording of the programme from the Licensee to assess the content.

The Licensee provided recordings to Ofcom which did not cover the complete time period requested. It explained that a technical issue meant that the recordings did not include advertisements or news content. Ofcom also noted that the recordings also did not include parts of the editorial content. Ofcom considered that this raised potential issues under Conditions 8(1) and 8(2)(a) and (b), which state that:

- “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 together with regular time reference checks;

(b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction...”

Ofcom requested comments from the Licensee on how it complied with these conditions.

## Response

The Licensee explained that it has two recording systems in place, one of which “records everything 24 hours a day” and one “which records live shows only.” It was upgrading its computer systems when the programme was broadcast and did not realise that “the settings were out of sync and the 24 hour system was not recording”. This meant that advertisements broadcast at 26 and 56 minutes past the hour and news broadcast on the hour were not recorded.

Link FM explained that it intends to have “an online backup as well as local backups in place” by the end of July once it has finished upgrading its computer systems.

In response to our request for the recording, the Licensee explained that it has resolved the recording settings and is now recording its full output 24 hours a day. It offered to provide the advertisements and news in a separate recording.

## 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 licensees, this is reflected in Licence Conditions 8(1) and 8(2)(a) and (b).

Breaches of Licence Conditions 8(1) and 8(2)(a) and (b) are significant because they impede Ofcom’s ability to assess whether a particular broadcast raises potential issues under the relevant codes. This affects Ofcom’s ability to carry out its statutory duties in regulating broadcast content.

We acknowledge that Link FM has taken steps to provide the recordings requested and the additional advertisement and news content that was missing from the original recordings in an attempt to assist Ofcom in assessing the complaint. We also acknowledge the changes it is putting in place create more backup recordings to prevent a similar situation occurring in future, and that it is now recording its full output 24 hours a day.

Ofcom expects licensees to ensure they are able to retain recordings of the Licensed Service’s broadcast output in full. In this case, although the Licensee offered to provide copies of the missing content, it could not provide a complete recording of the editorial content broadcast on 14 April 2021.

Link FM’s failure to record and provide the material was significant in this case as it impeded Ofcom’s ability to assess the content in full. Ofcom’s Decision is therefore that The Pakistan Muslim Centre (Sheffield) Limited is in breach of Conditions 8(1) and 8(2)(a) and (b).

## **Breaches of Conditions 8(1) and 8(2)(a) and (b) of Part 2 of the Schedule to the community radio licence held by The Pakistan Muslim Centre (Sheffield) Limited (CR100157BA)**