

## Five AM community radio licence awards: May 2017

Ofcom awarded five medium wave (AM) community radio licences in May 2017. The licences are for stations serving different communities in Glasgow, West Leicestershire, Leicester, Suffolk and northern parts of Essex, and Yeovil and south Somerset.

### Licence award

All community radio services must satisfy certain 'characteristics of service' which are specified in legislation<sup>1</sup> – Ofcom was satisfied that each applicant awarded a licence met these 'characteristics of service'. In addition, each application was considered having regard to statutory criteria<sup>2</sup>, the details of which are described below. This statement sets out the key considerations in relation to these criteria which formed the basis of Ofcom's decisions to award the licences. Where applicable, the relevant statutory reference (indicated by the sub-paragraph number) is noted in brackets.

### Applicants awarded a licence

Ofcom has made a licence award to each of the following:

- Ark AM (Noah's Ark Glasgow), Glasgow
- Carillon Wellbeing Radio (Carillon Wellbeing Limited), West Leicestershire
- Radio Caroline (Radio Caroline AM Broadcasting Ltd), Suffolk and northern parts of Essex
- Radio Ninesprings (Radio Ninesprings), Yeovil & the District of South Somerset
- Radio Seerah (Seerah Academy (Radio Seerah)), inner-city Leicester

These services will be licensed for a period of five years from the date of their launch, on AM.

As required by statute, Ofcom was satisfied that the new services would not prejudice unduly the economic viability of any local analogue commercial radio service.

### Ark AM

Ark AM will be a radio station for the Muslim population living in Glasgow. The service will deliver community information, relevant local content, news and opportunities for discussion, broadcasting in English with some content in Urdu, Punjabi and other languages. The service will be speech-led, with inspirational, religious and world music.

Ofcom considered that the applicant, which is experienced in delivering social gain projects and already owns the premises it operates from, can maintain the service over the licence period (1a). In Ofcom's view the applicant put forward proposals for a service catering to the tastes and interests of the target community, which had been developed through its temporary (RSL) broadcasts (1b). Ofcom noted that the applicant has support from the local community (1d). Ofcom also considered that the service had the potential to bring clear

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<sup>1</sup> Regulation 3 of the Community Radio Order 2004

<sup>2</sup> Section 105 of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004, as itself amended by the Community Radio (Amendment) Orders 2010 and 2015).

social gain benefits to the target community (1e). The applicant group already has a volunteer base and is experienced in training volunteers (1g).

### Carillon Wellbeing Radio

Carillon Wellbeing Radio will broadcast to people in and around West Leicestershire who suffer from, or are at risk of developing, long term health conditions. The applicant is a long-established local hospital radio group with extensive experience in broadcasting, healthcare and other relevant areas. It has a long history of providing a radio service in the area and has an existing asset base including premises and equipment. As a result Ofcom considered it had demonstrated its ability to maintain the service (1a). It has demonstrated strong evidence of support for the service (1d) and has developed its proposed output in response to feedback from its target community (1b). It proposes to deliver significant social gain through education, training and other initiatives relevant to the target community (1e).

### Radio Caroline

Radio Caroline will serve the over-45s in Suffolk and northern parts of Essex, who wish to hear album tracks from the 1960s onwards. Ofcom noted that the application was from a well-established group with a long history of providing a radio service, and was satisfied that it had demonstrated its ability to maintain a service (1a). Ofcom considered that the service would broaden choice in relation to existing radio services available in the area by having a strong album focus (1c). The applicant provided evidence of support for the service including a Radio Caroline Support Group that has supported the station for over 20 years, and has raised funds to support the service (1d). As part of its accountability arrangements, at least one member of the Radio Caroline Support Group will be elected to the licensee's board (1f). The station will offer training in its ship-board studios (1g).

### Radio Ninesprings

Radio Ninesprings will serve the population of Yeovil and South Somerset. Ofcom noted the considerable experience of the applicant group members and volunteers, which Ofcom considered would help enable Radio Ninesprings to maintain its proposed service. (1a) Ofcom considered that the programming proposals would address the specific interests of the target community. (1b) In Ofcom's view, the group's already established community links would enable the station to reach underserved members of the community (1c). The applicant group demonstrated considerable support for the service from the target community (1d). Ofcom noted the applicant group's work with different organisations in the community, and its plans to provide access and training to community members (1g).

### Radio Seerah

Radio Seerah will serve the diverse Muslim and wider ethnic minority communities within the broadcast area of inner-city Leicester. Ofcom considered that through a combination of stable resources, existing assets and members with a range of broadcasting and other professional experience, the applicant demonstrated its ability to establish and maintain the proposed service (1a). Ofcom felt that the proposed programming output would be relevant to the target community and cater for their tastes and interests, and noted that it is based on the applicant's experience of broadcasting in the area (1b). The applicant has plans for volunteer and community engagement, and has suitable resources and experience to deliver them (1g). The applicant is well-established in the community and demonstrated a level of local support (1d).

## Statutory requirements relating to community radio licensing

The following pages set out the statutory requirements relating to community radio licensing, and details of the licensing process. Further information about these, and detailed information relating to community radio, can be found at:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0016/101860/Community-radio-guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0016/101860/Community-radio-guidance.pdf)

In carrying out all of its functions, Ofcom is required to have regard to the general duties set out in section 3 of the Communications Act 2003. In addition, under section 85(2)(b) of the Broadcasting Act 1990 ("BA 1990"), it is the duty of Ofcom to do all that it can to secure the provision within the UK of a range and diversity of local radio services.

## The characteristics of a community radio service

All community radio licensees must satisfy 'characteristics of service' requirements which are specified in Article 3 of the Community Radio Order 2004. The characteristics of community radio services are:

- That they are local services provided primarily for the good of members of the public, or of particular communities, and in order to deliver social gain, rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service;
- That the service is intended primarily to serve one or more communities (whether or not it also serves other members of the public);
- That the person providing the service does not do so in order to make a financial profit by so doing, and uses any profit that is produced in the provision of the service wholly and exclusively for securing or improving the future provision of the service, or for the delivery of social gain to members of the public or the community that the service is intended to serve;
- That members of the community it is intended to serve are given opportunities to participate in the operation and management of the service;
- That, in respect of the provision of that service, the person providing the service makes himself accountable to the community that the service is intended to serve.

Article 2 of the Community Radio Order 2004 includes four mandatory "social gain" objectives. "Social gain" means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives:

- the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
- the facilitation of discussion and the expression of opinion,
- the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- the better understanding of the particular community and the strengthening of links within it.

Article 2 also includes a number of other objectives of a social nature which may be considered to represent "social gain".

## Matters to which Ofcom shall have regard

There are seven matters set out in section 105(1) BA 1990 that Ofcom must have regard to when considering whether to grant a community radio licence. In summary these are:

- The ability of each applicant to maintain its proposed service over the licence period (section 105(1)(a));
- The applicant's ability to cater for the tastes and interests of the target community (section 105(1)(b));
- The extent to which each applicant would broaden the range of local radio services available in the area, and have a content distinct from those services (section 105(1)(c));
- The extent to which there is evidence of local demand or support for a proposed service (section 105(1)(d));
- The extent to which the service would deliver social gain benefits to the public or relevant community (section 105(1)(e));
- Provisions for making the operator of service accountable to the relevant community (section 105(1)(f));
- Provisions for allowing access by members of the public or the relevant community to the station facilities, and the provision of training in the use of those facilities (section 105(1)(g)).

In considering whether, or to whom (and on what conditions), to grant a community radio licence, Ofcom must also have regard to the need to ensure that any service provided under that licence does not prejudice unduly the economic viability of any other local commercial radio service.

Furthermore, without prejudice to the generality of that economic impact requirement, section 105(4) BA 1990 requires Ofcom to impose conditions to ensure, in effect, that any community radio service is prohibited from taking any relevant income from paid advertising and sponsorship of programmes except in the following respects:

- a 'fixed revenue allowance' totalling £15,000 per financial year of the licensee for such relevant income - this exception applies to any community radio service where that service overlaps with any local commercial radio service serving a potential audience of no more than 150,000 persons who have attained the age of 15 years or older;
- a 'fixed revenue allowance' totalling £15,000 per financial year of the licensee for such relevant income plus a proportion of the total relevant income (specified by Ofcom in the licence), but which must not exceed 50% of the total relevant income (disregarding the fixed revenue allowance) for the licence in question in that year - this exception applies to all community radio services other than a community radio service referred to in (i) above. It should be noted that a community radio service that overlaps with any local commercial radio service serving a potential audience of no more than 150,000 persons who have attained the age of 15 years or older, which has at any time been varied pursuant to section 106(1A)(e) BA 1990, is also covered by this exception.

For the avoidance of doubt, programme sponsorship includes station or channel sponsorship, and commercial communications.

### **Process for assessment of applications**

The Ofcom Board has delegated the discharge of certain of its functions in relation to television and radio broadcast licensing to one or more senior executives from Ofcom's Content & Media Policy Group. Each of those individuals, on their own or together, have responsibility for deciding on the award of community radio licences.

The decision-makers for these licence awards were Ofcom's Director of Content Standards, Licensing and Enforcement, and Ofcom's Director, Broadcast Licensing.

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