

Provision of recordings and information, Preston Community Radio 23

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	Beat Radio
Date & time	February/March 2022
Category	Retention and production of recordings Provision of information
Summary	The Licensee failed to provide recordings and information to Ofcom on request. Breaches of Licence Conditions 8 and 9 (Retention and production of recordings and General provision of information to Ofcom).

Introduction

Beat Radio is a community radio station licensed to provide a service for the Preston area. The licence for the service is held by Preston Community Radio 23 (“Beat Radio” or “the Licensee”).

Like other community radio stations, Beat Radio is required to deliver ‘[Key Commitments](#)’, 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 programme service.

Ofcom sent Beat Radio a request for a week of recordings (totalling 168 hours), a schedule and a list of all music played during that week (“music logs”). This information was requested to help with an investigation into Beat Radio’s compliance with its Key Commitments. The Licensee did not provide the information by the specified deadline but did provide some of the information after the original deadline.

Having assessed the information provided, Ofcom found that the schedule, music logs, and 65 hours of recordings had not been provided. Ofcom contacted the licensee again to re-request this information and recordings by an extended deadline. An additional 10 hours of recordings and a schedule were

subsequently provided by the Licensee. Ofcom made the licensee aware that 55 hours of recordings and the music logs had not been received but did not receive any additional information by the specified deadline (despite reminding the licensee that its response was overdue).

Ofcom considered that this raised potential issues under Conditions 8 and 9 of the licence, which state:

- “8(1) The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recordings of the Licensed Service’s broadcast output.
- (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; and
 - (c) at the request of Ofcom forthwith produce to Ofcom any script or transcript of a programme included in the Licensed Service which they are able to produce to it.
- 9(1) The Licensee shall maintain records of and furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, estimates, returns, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 Act, the 1996 Act or the Communications Act...”

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

Response

Beat Radio apologised for the time it had taken to send the recordings and explained that the internet was very slow, and it had purchased a dedicated internet line to enable it to send the recordings to Ofcom. In addition, the Licensee explained that a technical volunteer deals with its recordings, and they are only available at certain times.

The Licensee provided a screenshot of the recording files to Ofcom to show that it had retained the recordings requested. The Licensee did not explain why it had not provided all of the retained files to Ofcom. On receipt of our Preliminary View, Beat Radio stated that it had sent all of the recordings required and would resend them.

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 Condition 8. Licensees are also required to provide information that Ofcom reasonably requires to exercise its functions and to do so in a timely manner. For community radio licensees, this is reflected in Licence Condition 9.

Breaches of Licence Conditions 8 and 9 are significant because they impede Ofcom's ability to assess whether a particular broadcast raises potential issues under the relevant codes and licence conditions. This affects Ofcom's ability to carry out its statutory duties in regulating broadcast content.

We acknowledge that Beat Radio had experienced technical difficulties with providing the recordings and has taken steps to show Ofcom that it had complied with the requirement to retain recordings of its output by providing a screenshot of the files it had retained. We acknowledge that, like many community radio stations, Beat Radio relies on volunteers and the individual with the technical ability to download the recordings is not always available. However, we provided Beat Radio with an extension to the deadline and multiple opportunities to provide the missing information, which meant it did not comply with the second part of Licence Condition 8, the provision of the retained recordings to Ofcom. Despite assurances from the Licensee that it had sent the recordings and would resend them to Ofcom, the missing information and recordings have not been received.

Ofcom expects licensees to ensure they are able to provide recordings of the Licensed Service's broadcast output to Ofcom in full upon request. In this case, the Licensee failed to provide information and complete recordings of the content broadcast in the week under investigation.

Beat Radio's failure to 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 Preston Community Radio 23 is in breach of Conditions 8(1) and 8(2)(a) and (b) and 9(1). Ofcom will request information and recordings in future to ensure that the Licensee is compliant with these Conditions of its Licence.

Breaches of Conditions 8(1) and 8(2)(a) and (b) and 9(1) of Part 2 of the Schedule to the community radio licence held by Preston Community Radio 23 (CR000158BA)