

Retention and production of recordings, Karimia Ltd

Type of case	Broadcast Licence Conditions
Outcome	Resolved
Service	Radio Dawn
Date & time	26 April to 9 May 2022
Category	Retention and production of recordings
Summary	The Licensee informed Ofcom that it was unable to retain recordings of its output due to a technical failure. The Licensee now has systems in place to prevent this issue from occurring again. Resolved.

Introduction

Radio Dawn is a community radio station based in Nottingham. The licence for Radio Dawn is held by Karimia Ltd (“Karimia” or “the Licensee”).

The Licensee informed Ofcom on 28 April 2022 that it had not been able to retain recordings of its output since 2pm on 26 April. A further notification was received from Karimia on 9 May confirming that, following the purchase of new equipment, the Licensee was once again able to retain recordings of its output. Ofcom wrote to the Licensee, requesting recordings of the service between 25 April and 10 May, and for a full explanation of the cause of the failure to retain recordings. We requested this information to assess the Licensee’s compliance with Condition 8 of its Licence.

The Licensee confirmed that it could not provide the requested recordings. Ofcom considered this raised potential issues under Condition 8 of Karimia Ltd’s licence, which states:

- “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...”

We requested comments from Karimia Ltd on how it was complying with these conditions.

Response

The Licensee did not provide any comments in response to Ofcom’s Preliminary View. However, we took into account the information provided by the Licensee when it responded to our request for recordings.

The Licensee informed us that the failure to retain recordings was due to the departure of the station’s IT engineer without a formal handover process, which led to a lack of understanding of the station’s technical architecture. This meant the Licensee faced a number of technical issues, including the failure to retain recordings. The Licensee also informed us that it had purchased a new server, including backup storage facilities in case of the primary storage failing. Additionally, the Licensee told us that it has improved its process for monitoring the retention of recordings.

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

The requirement for Licensees to retain recordings of their broadcast output is fundamental to Ofcom’s ability to carry out its statutory duties in regulating broadcast content. The failure by a Licensee to retain recordings and produce them to Ofcom upon request prevents us from assessing the compliance of the service, both with its Licence Conditions (under the General Procedures) and with content rules, such as the Broadcasting Code.

In this case, the Licensee proactively informed us that it was unable to retain recordings and explained that the failure was due to the departure of a key member of staff. The Licensee took steps to restore the recordings as soon as possible, including through the purchase of a new server, and has now established additional technical and policy provisions to ensure that recordings of its output are retained.

As such, while we consider that the Licensee was in breach of Condition 8 of its Licence during this period, we are satisfied with the steps taken by the Licensee. We will request recordings in future to ensure that the Licensee is compliant with this condition of its Licence. Ofcom’s view therefore is that the matter is resolved.

Resolved