

## Providing a service in accordance with ‘Key Commitments’, Creativity Media Services (Northampton) Ltd

<b>Type of case</b>	Broadcast Licensing Conditions
<b>Outcome</b>	In Breach
<b>Service</b>	Embrace Radio
<b>Date &amp; time</b>	6 to 12 June 2022
<b>Category</b>	Key Commitments
<b>Summary</b>	The Licensee failed to fulfil the requirements specified in its Key Commitments with regard to music and speech. Breaches of Licence Conditions 2(1) and 2(4).

### Introduction

Embrace Radio is a community radio station providing a service for all those who live and work in the borough of Northampton, regardless of ethnicity. The licence is held by Creativity Media Services (Northampton) Ltd (“Embrace” or “the Licensee”).

Like all other community radio stations, Embrace is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr103404.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr103404.pdf>) which form part of its licence. These Commitments set out how the Licensee will serve its target community and deliver social gain (benefits to the target community), and also include a description of the on-air service.

Ofcom received a complaint about the Licensee’s compliance with its Key Commitments. The complainant was concerned that the station was not broadcasting specialist music shows aimed at ethnic minorities and other specific interest groups, or community news and information, interviews, discussions, and event information.

Ofcom requested full 24-hour recordings for the week 6 to 12 June 2022. We also requested full programme schedules and information from the Licensee on how it was meeting its Key Commitments.

Having assessed the recordings, associated programme schedules and information from the Licensee, it appeared that Embrace was not delivering the following Key Commitments:

- “Music. The main types of music broadcast over the course of each week are: A mix of music from the 70s to today. A variety of music genres, aimed at ethnic minorities and other specific interest groups will be part of specialist shows from 7pm to 10pm.”
- “Speech. The main types of speech output broadcast over the course of each week are: Local and national news, community news and information, interviews, discussions, and event information, presented in an accessible style.”

Ofcom considered that this raised potential issues under Licence Conditions 2(1) and 2(4). These state, respectively:

“2(1) The Licensee...shall provide the service specified in Part I (b) of the Annex for the remainder of the licence period” and

“2(4) Subject to Condition 2(5) below..., the Licensee shall ensure that the Licensed Service accords with the proposals set out in Part I (b) of the Annex so as to maintain the character of the Licensed Service throughout the licence period”

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

## Response

### Music

The Licensee stated:

“This Ethnic topic is always difficult due to its subject matter, our music selection is suitable for all groups all ages and all minorities, and we specifically tailored our specialist shows to be different to the Ethnic shows that are already available in the area. This is why we made them specifically for ALL persons to enjoy.”

The Licensee said that it had considered the April 2021 ‘Ethnic Minorities Radio Listening Project’ performed by Dynata before performing its own survey of its coverage area. Within this, Embrace “looked at [its] music output, particularly during [its] Specialist shows from 7-10pm, and asked these groups what they would like to hear that would best represent them and make them more encouraged to listen.”

The Licensee also included responses from its own survey and further stated:

“The Dynata report we found to be similar in our investigations. It said:

43% of black people liked a variety of music along with 37% of Mixed race and other and 32% of Asian. What we also found is that most people we talked to from these backgrounds did like news and information.

With the above in mind our music output across all decades has a heavy black musician and artist influence. Our station manager has ensured that it is heavily influenced throughout these shows with artists such as:

Aretha Franklin, Dionne Warwick, Stevie Wonder, James Brown, Smokey Robinson, Marvin Gaye, Lionel Richie. The list goes on, but it is a major focus of our programming. An example of this is celebrating black musicians from the 70s and 80s. The charts were dominated by black artists in these decades. Our music played during our specialist shows reflects this.

We have received some great feedback so were disappointed to receive a complaint in relation to this given the hard work our small group of volunteers undertook. It did not correlate with our programming. Our first step was to get these groups back listening by heavily reducing adverts and making our output more appealing to all.

Other groups such as LGBTQ have liaised heavily with us, and are delighted that we regularly promote their groups on our Careline during the day. We have had comments that the music played during the 70s, 80's and our party shows is appealing to that audience and very reminiscent of the clubs they visit together. Our social media presence has also supported their groups and events."

Embrace stated in response to the Preliminary View that:

"Although we were in breach within that week, a member of the public brought it to our attention at the same time as it was reported to Ofcom, and we had already taken a number of steps to ensure this won't happen again on our own accord without Ofcom's intervention."

"With reference to your comments regarding being more specific to providing an ethnic minorities platform, we have taken this on board. Please be aware that we have worked hard within our community, and with Inspiration FM to understand what we can provide that isn't patronizing and can serve in a way that doesn't replicate our Inspiration colleagues. We believed we were doing enough but we can always do better. So we have accelerated this to be more specific.

To that end we have started a show called 'Embrace Diversity', every Wednesday from 7-10pm. This step is exciting on different fronts. It will show how we can work alongside other stations in the town to ensure we broadcast a show that celebrates ethnicity by doing it sensitively and effectively.

We will be celebrating Afro Caribbean, Jazz, Reggae, RnB, Soul, Ska, Soca and all sorts of music that our ethnic communities can relate to. Our community will, as we always have, be encouraged to play a part in dictating the future of this show by participating in the music choice and raising issues and indeed anything that will give them a platform and voice.”

### Speech

In its response, Embrace acknowledged that it did not fulfil the interview requirement as part of the speech commitment, stating:

“There were no interviews as part of our Signpost feature or discussions during the monitored week as these had expired, but looking at our key commitments it is now clear to us this is a weekly task.”

“Interviews are now taking place and are programmed into the schedule on a weekly basis and any subject matter that is within Ofcom regulations is considered for discussion and interviews.”

### Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments. This is a fundamental purpose for which a community licence is granted.

### Music

The shows broadcast each evening during the week monitored included music from different decades and party music. Although music was included from black artists during these specialist shows, this does not satisfy the requirement for specialist programming aimed at ethnic minorities. We did not hear any programming during these hours that was recognisably specifically aimed at ethnic minorities in the target community. We also noted that on four occasions the shows during these times were automated with no presenter links to highlight that the shows were for a specific group.

We acknowledge that Embrace intended these specialist shows to be different to the “ethnic shows” already available on other stations. We also acknowledge the Licensee’s assertion that some genres of music broadcast by Embrace may appeal to ethnic minorities and the LGBTQ community. However, its Key Commitment for music states “A variety of music genres, aimed at ethnic minorities and other specific interest groups will be part of specialist shows from 7pm to 10pm.” As such we would expect the programming broadcast between 7pm and 10pm to be specialist shows recognisably aimed at specific groups in the target community, and therefore the Licensee is not meeting this requirement in its Key Commitments.

### Speech

We note Embrace broadcast local and national news, community news and information, discussions, and event information, but did not broadcast any interviews during the week monitored. In its response the Licensee has acknowledged it did not fully meet the speech requirement of its Key Commitments, specifically in broadcasting interviews. We recognise the Licensee is aware of this and

has taken steps to rectify this issue going forward, but this requirement was not met during the week under investigation.

### Conclusion

We recognise the Licensee has stated it has taken steps to rectify the issues raised, including changes to its programming. However, for the week in question the Licensee did not meet the Music and Speech requirements of its Key Commitments.

Ofcom's Decision is that Creativity Media Services Limited is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitments:

- "Music. The main types of music broadcast over the course of each week are: A mix of music from the 70s to today. A variety of music genres, aimed at ethnic minorities and other specific interest groups will be part of specialist shows from 7pm to 10pm."
- "Speech. The main types of speech output broadcast over the course of each week are: Local and national news, community news and information, interviews, discussions, and event information, presented in an accessible style."

We expect the Licensee to rectify these issues immediately.

### **Breaches of Licence Conditions 2(1) and 2(4)**