



## Providing a service in accordance with ‘Key Commitments’, Blackburn Community Radio Limited

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	Blackburn’s 102.2FM
Date & time	18 to 24 September 2023
Category	Key Commitments
Summary	The Licensee failed to fulfil the requirement specified in its Key Commitments to provide discussion as part of its speech output and to facilitate discussion and expression of opinion. Breaches of Licence Conditions 2(1) and 2(4).

## Introduction

Blackburn’s 102.2FM is a community radio station based in Blackburn. The licence for Blackburn 102.2 is held by Blackburn Community Radio Limited (or “the Licensee”).

Like all other community radio stations, Blackburn Community Radio Limited is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102146.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102146.pdf>) 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 includes a description of the on-air programme service.

Ofcom found the Licensee [in breach of Conditions 2\(1\) and 2\(4\) of its licence](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/243361/Blackburn-Community-Radio-Limited,-Blackburns-102.2-FM.pdf) in August 2022 ([https://www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0019/243361/Blackburn-Community-Radio-Limited,-Blackburns-102.2-FM.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/243361/Blackburn-Community-Radio-Limited,-Blackburns-102.2-FM.pdf)). In that decision, we found the Licensee in breach of its Key Commitments relating to character of service, music speech, original output and target community involvement in the operation and management of the service. We also stated that we would monitor the service to ensure that Blackburn Community Radio Limited was complying with its Key

Commitments. However, Ofcom also received two complaints about the Licensee's compliance with its Key Commitments.

Ofcom therefore requested recordings of the output of the service between 18 and 24 September 2023, as well as a schedule of programmes broadcast during that week and an explanation of how the Licensee was meeting its obligations under its Key Commitments.

Having assessed the recordings, associated programme schedule and written response from the Licensee, it appeared that Blackburn Community Radio Limited may not be meeting the following Key Commitments:

- "Blackburn Youth Radio [Blackburn's 102.2FM] serves young people (under 25) who live, work, undergo education or training in the town of Blackburn. The purpose of the station is to entertain and inform the community and to provide opportunities for training and direct participation in the making of programmes for the station."
- "The main types of speech output broadcast over the course of each week are information regarding events, activities and opportunities; local news, sports and entertainment; and discussions relevant to the target audience."
- "The service provides a range of community benefits (social gain objectives mandated by statute) for the target community, both on-air and off-air, and in doing so, achieves the following objectives:
  - the facilitation of discussion and the expression of opinion"
- "Members of the target community contribute to the operation and management of the service."
- "The service has mechanisms in place to ensure it is accountable to its target community."

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Blackburn Community Radio Limited's licence. 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";
- 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".

Ofcom requested comments from the Licensee on how it was complying with the above Licence Conditions.

## Response

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The Licensee stated that it has recently undergone a "revamp" of the service, to include new presenters and existing presenters moving to new shows. It explained that part of the revamp included a new base that Blackburn Community Radio Limited has secured at "The Mall Shopping Centre" which it stated will bring it closer to the community.

Additionally, the Licensee said that it is in the process of forming a new company with local members forming the board. It said it will apply to transfer its broadcasting licence in order to "secure greater local control". As well as this, it is proposing to submit an application to Ofcom to

make changes to its Key Commitments in February, following consultation with its target community.

## Speech and the facilitation of discussion and the expression of opinion

The Licensee stated that it is meeting its speech output requirements. In addition to the recordings Ofcom requested, it provided audio clips in its response which included segments about local events, local news, sports, entertainment, local weather and other presenter content.

The Licensee said that it facilitates discussion and expression of opinion in line with the Google definition of discussion, which it quoted: “the action or process of talking about something in order to reach a decision or to exchange ideas”. It stated that the speech content is of interest to the target community and sometimes asks for their opinions through on-air promotions and presenter speech. Blackburn Community Radio Limited also stated that Ofcom does not provide a definition or guidance to licensees about what it considers a discussion to be, and that if Ofcom requires a certain standard of discussion, it should make this clear.

It stated that it has considered how best to include discussion within its broadcasts. It stated that it has expanded its “presentation team” which has allowed it to include “multiple points of discussion relevant to the target audience”, and it will provide this at least once a week in order to meet this requirement.

## Other social gain and character of service

The Licensee stated that it was meeting its character of service as the music and content it selects is specifically for under 25-year-olds. In order to stay accountable to its target community, the Licensee said it runs a survey twice a year which is promoted on air in addition to “regular promos eliciting response, feedback, comments and direct participation.” It also stated that it is willing to modify the service in response to the views of its target community. One example of this is that the licensee has expanded its music policy to “be more inclusive of the wider music interest of the youth population of Blackburn”.

The Licensee submitted that it promotes opportunities for training and direct participation in programme making on-air and through leaflets and press releases. It stated that it only promotes within the Blackburn and Darwen area, but it welcomes volunteers from other areas as well. The Licensee explained that it has been actively training new members of the team who are now involved with on-air activities. As well as this, the Licensee said that the station manager has been running sessions with students at Blackburn College who are a mix of people under and over 18 years old.

The Licensee provided Ofcom with a list of people who volunteer and/or work for the station. This included 18 individuals divided by the position titles: “Management, Administration, and Presentation”. The list also labelled these individuals by locality including those from Blackburn and Darwen, those from Lancashire & the North-West (“within the local radio region outside Blackburn”), and those not local to the area. Five volunteers were from Blackburn and Darwen, eight were from the Lancashire & the North-West and five were from outside the local area. The Licensee stated that it does not collect any other information about its volunteers that may be considered personal such as “gender, age, marital status, employment status, educational status or socio-economic background”. It explained that this is because “it is not relevant to their ability to volunteer as it would be unlawful to refuse someone on the basis of any of those indicators.” Since

the investigation was launched, the Licensee said it had expanded engagement with local bodies including “Blackburn Rovers, The Mall Blackburn and Blackburn College”. It stated these relationships would encourage to open a stream of volunteers to participate at the station. It also highlighted that it has greater volunteer involvement than other stations and questioned if it is “subject to a differing standard” to other community radio stations. The Licensee also asked Ofcom to clarify our expectation of how the target community should be involved in the operation and management of the service.

## Decision

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Reflecting our duty 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.

### Speech and the facilitation of discussion and the expression of opinion

In relation to speech, the content broadcast broadly consisted of information regarding events, activities and opportunities, local news, sports and entertainment. Although no record of “events or activities” could be identified during the dates monitored, it was recognised that adverts were broadcast which stated that Blackburn Community Radio Limited will support local events and organisers or those interested should get in touch. This demonstrated that the Licensee was taking steps to encourage promotion of local events, and we recognise that there may not have been any events taking place around the week monitored for presenters to talk about. In the additional recordings that the Licensee proactively provided to Ofcom, the Licensee evidenced that it was broadcasting information about local events and activities which included a carol concert and “Share Your Light” event, although these were not broadcast during the week monitored.

Ofcom did not recognise the topics mentioned during the week commencing 18 September to constitute discussion. The requirement for community radio services to facilitate discussion and the expression of opinion can be met on or off-air. However, this service has “discussion” listed under its speech requirement and therefore this is required to be delivered on-air.

Examples of some the topics identified included the ‘International Day of Peace’, Stephen King’s Birthday and ‘Pepperoni Pizza Day’. While we do consider these topics relevant to the target community, Ofcom does not feel that they were adequately presented to constitute discussion or allow facilitation of discussion and expression of opinion. This is due to the fact that each topic was only referred to once during the show, each segment lasted for approximately 20 to 30 seconds, and only the presenter’s perspective was put forward. We consider that a discussion, in the context of a community radio programme, is an exchange of ideas. While we do not mandate this to be a discussion comprised of two people talking to each other on-air, it does require more than one viewpoint on a topic to be presented, for instance by a presenter talking about different views or inviting listeners to comment.

Ofcom acknowledged that in some instances a question was posed to listeners, however as the topic was not returned to during the show it did not allow for the facilitation of discussion, or for listeners to express their opinions. Further, the presenter content did not provide information about how listeners could get in touch with the presenter. While the recordings of the additional discussion material provided by the Licensee demonstrated further efforts to include discussion topics within shows, this was not content from the dates monitored.

We therefore consider that the Licensee did not meet its requirement to broadcast “discussions relevant to the target audience” or that it achieves the “the facilitation of discussion and the expression of opinion”. However, we recognise the steps the Licensee has since taken to rectify this matter and to provide at least one instance of discussion content per week in response to Ofcom’s Preliminary View.

## Other social gain and character of service

Ofcom considered the list of volunteers provided by Blackburn Community Radio Limited which demonstrated that it had a variety of volunteers working both on and off-air. It stated that these individuals were members of the target community and evidenced that some were from the Blackburn and Darwen area. Therefore, as the Licensee’s target community is defined as “young people (under 25) who live, work, undergo education or training in the town of Blackburn”, Ofcom is satisfied that the target community is involved in the operation and management of the service.

All community radio stations are required to have members of the target community contributing to the operation and management of the service. What this looks like will differ depending on how the service operates and the community it serves. There should be opportunities for members of the target community to be involved in the provision of the service, however we accept that stations will have volunteers and/or staff who are not part of the target community, and we acknowledge the opportunities Blackburn Community Radio Limited has been able to provide to its local community.

Additionally, the development of the new studio within a local shopping centre, the training opportunities available, the engagement adverts on-air, and surveys, demonstrates the effort it is making to open itself to the community and to encourage feedback from listeners. We recognise that the Licensee said it is willing to make changes to its output in response to listener feedback.

We are therefore satisfied that the Licensee is meeting its character of service, that members of the target community contribute to the operation and management of the service, and that the service has mechanisms in place to ensure it is accountable to its target community.

## Conclusion

Ofcom acknowledges the improvements the Licensee has made since Ofcom recorded a breach of its Key Commitments in August 2022, including improvements to its music output, speech output, original output, and the participation of the target community. However, we consider that Blackburn Community Radio Limited was not meeting its speech commitment for the period monitored, nor did it facilitate discussion and the expression of opinion. Ofcom’s Decision is that Blackburn Community Radio Limited is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following aspects of its Key Commitments:

- “The main types of speech output broadcast over the course of each week are...discussions relevant to the target audience.”
- “The service provides a range of community benefits (social gain objectives mandated by statute) for the target community, both on-air and off-air, and in doing so, achieves the following objectives:
  - the facilitation of discussion and the expression of opinion”

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