

Providing a service in accordance with ‘Key Commitments’, Radio Scarborough Limited

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	Radio Scarborough
Date & time	22 to 28 August 2022
Category	Key Commitments
Summary	The Licensee failed to fulfil the requirements specified in its Key Commitments to deliver 84 hours of original output per week and locally-produced output at all times. Breach of Licence Conditions 2(1) and 2(4).

Introduction

Radio Scarborough is a community radio station for the communities in Scarborough Town. The licence is held by Radio Scarborough Limited (“Radio Scarborough” or “the Licensee”).

Like all other community radio stations, Radio Scarborough is required to deliver ‘[Key Commitments](http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102898.pdf)’ (<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102898.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 include a description of the on-air programme service.

Ofcom requested full 24-hour recordings for the week 22 August to 28 August 2022 to ensure that Radio Scarborough was complying with its Key Commitments. This was following the [Breach Decision](https://www.ofcom.org.uk/data/assets/pdf_file/0011/242030/Retention-and-production-of-recordings,-Radio-Scarborough-Limited,-Radio-Scarborough.pdf) (https://www.ofcom.org.uk/data/assets/pdf_file/0011/242030/Retention-and-production-of-recordings,-Radio-Scarborough-Limited,-Radio-Scarborough.pdf) published in July 2022, in which we noted that it appeared that Radio Scarborough was not meeting its Key Commitments, and subsequent complaints we received in relation to Radio Scarborough’s Key Commitments. We also requested a full programme schedule for the week beginning 22 August 2022 and an explanation of how Radio Scarborough was meeting its obligations under its Key Commitments.

Having assessed the recordings, associated programme schedules and information from the Licensee, we found that Radio Scarborough was not delivering the following Key Commitments:

- “The service provides original output¹ for a minimum of 84 hours per week”.
- “The service provides locally-produced output² at all times”.

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 the Licensee on how it was complying with these conditions.

Response

The Licensee stated that, as of November 2022, it was broadcasting 73.5 hours of original output. The Licensee stated that it had a shortfall of 10.5 hours per week, “but this is an improvement on [its] previous position in September when, following the loss of several presenters, [it was] producing 65 hours per week”. The Licensee stated that this was an improvement of 13.1% since September, as it now has more presenters. It stated that it was currently in the process of recruiting new locally-based presenters and would be training potential local presenters, which will add to its locally-produced and original output content and should allow it to meet its commitment of to 84 hours of original output per week in early 2023.

In relation to locally-produced output, Radio Scarborough stated that not all of its content is produced in its licence coverage area, which it states as being the ‘purple area’ in Ofcom’s coverage map for Radio Scarborough. The Licensee stated that some of the content is produced in close proximity to its coverage area. It stated that that the Scarborough ‘community’ amongst the locals is considered to be a broader area covering Scarborough, Whitby, Filey and surrounding villages, and is not restricted to ‘Scarborough Town.’

The Licensee went further to state that some of the content produced is:

¹ Original output is content which is first produced for, and transmitted by, the station and excludes output that was transmitted elsewhere before. Original output can be live, pre-recorded or voice-tracked. Repeat broadcasts of original output and continuous music with no speech content other than advertisements, station idents and/or outsourced news bulletins (i.e. news bulletins produced by a third party) do not meet Ofcom’s definition of original output.

² Locally-produced output is content which is made and broadcast from within the station’s licensed coverage area. It may include all types of local production including repeats and continuous music, as long as it is created anywhere within the licensed coverage area and is not material that is networked from other stations. Content which is made outside the station’s licensed coverage area, but edited and broadcast from within the coverage area, does not meet Ofcom’s definition of locally-produced output.

- a) “‘outside broadcasts’ when presenters attend local events in the Scarborough and District area which may or may not be inside the Purple zone;
- b) interviews with people of local interest living either within or outside the Purple zone;
- c) content that is produced when locally-based presenters are working or on holiday outside the Purple zone, but able to send in their material via the internet; and
- d) music that was originally created either within or outside the Purple zone”.

Radio Scarborough provided a table of the names of all the presenters who produce content at home along with their postcodes. The Licensee also provided a summary of the presenters’ backgrounds and their connections to Scarborough Town. In addition to this, it stated that as the number of local presenters increases it intends to reduce the level of its externally-produced content, whilst increasing its level of original output.

The Licensee stated that “the current definition of ‘locally produced’ appears to be at odds with [its] commitment to truly serve [its] community, which to us at Radio Scarborough is [its] central ethos. We have many examples of this paradox”. In the list of examples, it mentioned supporting Scarborough rugby matches, local music festivals and local fairs/community events, all of which take place outside of the coverage area. It stated that the problem it has is that many of its listeners live or work outside its coverage area but within the broader Scarborough community area, referred to above.

The Licensee stated that since the resignation of its Director/Station Controller, along with several of its presenters, a new management team is working to maintain and develop a schedule of its broadcast programmes. The Licensee stated that it has been required to rebuild its team of presenters to meet its Key Commitments.

The Licensee went further to explain that working towards meeting its Key Commitments has made it question and understand its listener community better. It stated that it is currently not meeting its locally-produced requirement and is finding it difficult to meet the needs and wants of the community with this current Key Commitment. It stated that, with this in mind, it would be appropriate for Radio Scarborough to apply to change some of its Key Commitments to better reflect the Scarborough and District Community and will be submitting an application in due course.

Decision

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.

In assessing the content we received, Radio Scarborough was not delivering 84 hours of original output for the week commencing 22 August 2022. Ofcom found that the Licensee broadcast approximately 36 hours of original output during the week monitored. This is significantly below its original output requirements as stated in its Key Commitments. The Licensee did not explicitly state why it was not meeting its original output hours for the week in question, but we infer that from the response that it was due to a presenter shortage and a change in management.

We acknowledge that the Licensee has taken steps to improve its original output by recruiting new volunteers since September and is now producing more hours close to its original output requirement, of 84 hours per week. We understand that due to a change of management, it is working to develop

its programme schedule and intends to meet its original output requirements by early 2023. However, for the week monitored, Radio Scarborough did not meet its original output requirement as stated in its Key Commitments.

In our assessment of the recordings and schedule provided, we found that Radio Scarborough was not broadcasting locally-produced content at all times. We note Radio Scarborough's reference to the 'purple zone', where coverage is protected from interference, as its coverage area but would like to remind the Licensee that the green area, where the service is subject to interference, can also be counted as part of the coverage area. Nevertheless, the Licensee listed eight individuals who provide content from outside of the Scarborough area and this content cannot be defined as locally-produced.

We acknowledge that some of Radio Scarborough's content is made in close proximity to the licence coverage area, and serves Scarborough Town and surrounding areas. We understand that the Licensee stated that most of its listeners live or work outside the licensed coverage area, and therefore, in its view, Ofcom's definition of 'locally-produced' does not entirely help serve the community it intends to serve. We also acknowledge the Licensee's statement that locals consider that the Scarborough area is not restricted to 'Scarborough Town' and content made outside of its coverage area would still be relevant to its target community.

Key Commitments are put forward and agreed with each licensee from the commencement of the licence and at each revision, and include the definition of locally-produced output from the outset. We understand that the Licensee intends to apply for a Key Commitment change request in due course, to better reflect how it serves its community. However, a change request must be approved by Ofcom before any changes are made to a service's output. Therefore, Radio Scarborough did not meet its locally-produced output requirement.

Ofcom's decision is that Radio Scarborough Limited is in breach of Licence Conditions 2(1) and 2(4) for failing to deliver 84 hours of original output, and locally-produced output at all times between 22 to 28 August 2022.

We note that Radio Scarborough has a change of management and is developing its programme schedule to meet its Key Commitments. We expect the Licensee to work to rectify these issues immediately. We will monitor this service to ensure that Radio Scarborough Limited is complying with its Key Commitments.

Breach of Licence Conditions 2(1) and 2(4).