

Four community radio licence awards in Greater London: May 2017

Ofcom awarded four community radio licences in May 2017. The licences are for stations serving different communities within Greater London.

Licence awards

All community radio services must satisfy certain 'characteristics of service' which are specified in legislation¹ – Ofcom was satisfied that each applicant awarded a licence met these 'characteristics of service'. In addition, each application was considered having regard to statutory criteria², the details of which are described below. This statement sets out the key considerations in relation to these criteria which formed the basis of Ofcom's decisions to award the licences. Where applicable, the relevant statutory reference (indicated by the sub-paragraph number) is noted in brackets.

Applicants awarded a licence

Ofcom has made a licence award to each of the following:

- Flex FM (Flex FM Radio Limited), Borough of Wandsworth and surrounding areas
- Maritime Radio (Greenwich Media Limited), Royal Borough of Greenwich
- Nomad Radio (Nomads Media Ltd), Borough of Hammersmith and Fulham
- Radio Minhaj (Minhaj-UI-Quran International), Borough of Newham

These services will be licensed for a period of five years from the date of their launch. All will broadcast on FM.

As required by statute, Ofcom was satisfied that the new services would not prejudice unduly the economic viability of any local analogue commercial radio service.

Flex FM

Flex FM will be a community radio service for young adults (aged 15-30) in south west London. It will provide a dance and urban music service, combined with news and social campaigns. Ofcom noted that members of the applicant group have experience of broadcasting, station management, engineering, music and youth work, which Ofcom considered would help enable Flex FM to maintain its proposed service (1a). The applicant demonstrated that it would provide a service covering interests relevant to the target community (1b), and output that is not currently being delivered by the existing range of local radio services available in south-west London (1c). It proposes multiple feedback mechanisms for the target community to inform its decision-making. Additionally, the directors of Flex FM will be elected from their existing membership. Ofcom regarded these plans as appropriate for ensuring accountability to the target community (1f) and allowing access to the station for that community (1g).

¹ Regulation 3 of the Community Radio Order 2004

² Section 105 of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004, as itself amended by the Community Radio (Amendment) Orders 2010 and 2015).

Maritime Radio

Maritime Radio will be a radio station for the general population of the Royal Borough of Greenwich. The applicant has gained experience through broadcasting via the internet and with temporary FM licences. Ofcom felt that its experience would help enable the applicant to maintain the service (1a). Ofcom noted that the applicant group had already established community links, including with the Nepali population in the borough, which would help it to promote social cohesion (1e).

Nomad Radio

Nomad Radio will provide a community radio service for the Somali community in the London Borough of Hammersmith & Fulham and surrounding areas. The service will deliver a range of speech programming including content focused on the key issues in the local Somali community in both English and Somali. It will also offer a variety of musical genres including traditional Somalian music.

Ofcom noted that members of the applicant group have experience of broadcasting, station management and public sector organisations, which Ofcom considered would help enable the applicant to maintain its proposed service (1a). In Ofcom's view, the applicant would provide a service covering interests relevant to the target community (1b) and one which is distinctive and not currently being delivered by the existing range of local radio services (1c). Furthermore, Ofcom also considered that the service had the potential to bring clear social gain benefits to an underserved community (1e).

Radio Minhaj

Radio Minhaj will be a radio station for the general population living in the London Borough of Newham. The service will deliver community information, relevant local content and a news service, broadcasting in Urdu, Punjabi, Hindi, English, Bengali, Potowari and Polish. The service will be significantly speech-led, with inspirational, religious and world music.

Ofcom considered that the applicant, which is experienced in delivering social gain projects and already owns the premises it operates from, can maintain the service over the licence period (1a). In Ofcom's view the applicant would provide a service catering to the tastes and interests of the target community (1b), and one that will broaden the range of local radio services in the area (1c). Ofcom noted that the applicant has support from the local community (1d). Ofcom also considered that the service had the potential to bring clear social gain benefits to an underserved community (1e). The applicant group already has a volunteer base and is experienced in training volunteers (1g).

Statutory requirements relating to community radio licensing

The following pages set out the statutory requirements relating to community radio licensing, and details of the licensing process. Further information about these, and detailed information relating to community radio, can be found at: <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>

In carrying out all of its functions, Ofcom is required to have regard to the general duties set out in section 3 of the Communications Act 2003. In addition, under section 85(2)(b) of the Broadcasting Act 1990 ("BA 1990"), it is the duty of Ofcom to do all that it can to secure the provision within the UK of a range and diversity of local radio services.

The characteristics of a community radio service

All community radio licensees must satisfy 'characteristics of service' requirements which are specified in Article 3 of the Community Radio Order 2004. The characteristics of community radio services are:

- That they are local services provided primarily for the good of members of the public, or of particular communities, and in order to deliver social gain, rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service;
- That the service is intended primarily to serve one or more communities (whether or not it also serves other members of the public);
- That the person providing the service does not do so in order to make a financial profit by so doing, and uses any profit that is produced in the provision of the service wholly and exclusively for securing or improving the future provision of the service, or for the delivery of social gain to members of the public or the community that the service is intended to serve;
- That members of the community it is intended to serve are given opportunities to participate in the operation and management of the service;
- That, in respect of the provision of that service, the person providing the service makes himself accountable to the community that the service is intended to serve.

Article 2 of the Community Radio Order 2004 includes four mandatory "social gain" objectives. "Social gain" means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives:

- the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
- the facilitation of discussion and the expression of opinion,
- the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- the better understanding of the particular community and the strengthening of links within it.

Article 2 also includes a number of other objectives of a social nature which may be considered to represent "social gain".

Matters to which Ofcom shall have regard

There are seven matters set out in section 105(1) BA 1990 that Ofcom must have regard to when considering whether to grant a community radio licence. In summary these are:

- The ability of each applicant to maintain its proposed service over the licence period (section 105(1)(a));
- The applicant's ability to cater for the tastes and interests of the target community (section 105(1)(b));
- The extent to which each applicant would broaden the range of local radio services available in the area, and have a content distinct from those services (section 105(1)(c));

- The extent to which there is evidence of local demand or support for a proposed service (section 105(1)(d));
- The extent to which the service would deliver social gain benefits to the public or relevant community (section 105(1)(e));
- Provisions for making the operator of service accountable to the relevant community (section 105(1)(f));
- Provisions for allowing access by members of the public or the relevant community to the station facilities, and the provision of training in the use of those facilities (section 105(1)(g)).

In considering whether, or to whom (and on what conditions), to grant a community radio licence, Ofcom must also have regard to the need to ensure that any service provided under that licence does not prejudice unduly the economic viability of any other local commercial radio service.

Furthermore, without prejudice to the generality of that economic impact requirement, section 105(4) BA 1990 requires Ofcom to impose conditions to ensure, in effect, that any community radio service is prohibited from taking any relevant income from paid advertising and sponsorship of programmes except in the following respects:

- a 'fixed revenue allowance' totalling £15,000 per financial year of the licensee for such relevant income - this exception applies to any community radio service where that service overlaps with any local commercial radio service serving a potential audience of no more than 150,000 persons who have attained the age of 15 years or older;
- a 'fixed revenue allowance' totalling £15,000 per financial year of the licensee for such relevant income plus a proportion of the total relevant income (specified by Ofcom in the licence), but which must not exceed 50% of the total relevant income (disregarding the fixed revenue allowance) for the licence in question in that year - this exception applies to all community radio services other than a community radio service referred to in (i) above. It should be noted that a community radio service that overlaps with any local commercial radio service serving a potential audience of no more than 150,000 persons who have attained the age of 15 years or older, which has at any time been varied pursuant to section 106(1A)(e) BA 1990, is also covered by this exception.

For the avoidance of doubt, programme sponsorship includes station or channel sponsorship, and commercial communications.

Process for assessment of applications

The Ofcom Board has delegated the discharge of certain of its functions in relation to television and radio broadcast licensing to one or more senior executives from Ofcom's Content & Media Policy Group. Each of those individuals, on their own or together, have responsibility for deciding on the award of community radio licences

The decision-makers for these licence awards were Ofcom's Director of Content Standards, Licensing and Enforcement, and Ofcom's Director, Broadcast Licensing.

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