

Providing a service in accordance with ‘Key Commitments’ and retention and production of recordings, Meridian FM Radio

Type of case	Broadcast Licensing Conditions
Outcome	In Breach
Service	Meridian FM
Date & time	March 2023
Category	Key Commitments Retention and production of recordings

Summary The Licensee failed to fulfil the requirements specified in its Key Commitments to deliver original output for a minimum of 12 hours per day. Breaches of Licence Conditions 2(1) and 2(4).

The Licensee also failed to provide recordings to Ofcom for the purpose of assessing the content. Breaches of Licence Condition 8(1) and 8(2).

Introduction

Meridian FM is a community radio station based in East Grinstead, West Sussex that serves the population of East Grinstead and surrounding area. The licence for Meridian FM is held by Meridian FM Radio (“Meridian” or “the Licensee”).

Like all other community radio stations, Meridian FM Radio is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000206.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000206.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 include a description of the on-air programme service.

Ofcom received a complaint that Meridian was not meeting its Key Commitments, particularly the requirements to broadcast a minimum of 12 hours per day of original output and a minimum of 13

hours per day of locally-produced output. Ofcom therefore requested full 24-hour recordings for the week Monday 13 March to Sunday 19 March 2023, as well as a programme schedule and information about how it is meeting these Key Commitments.

Two hours of recordings were not provided and therefore the Licensee was unable to provide complete recordings for the week requested. Ofcom considered that this raised potential issues under Licence Conditions 8(1) and 8(2)(a) and (b), which state that:

“8(1) The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recordings of the Licensed Service’s broadcast output”.; and

“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...

(b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination...”

Having assessed the recordings of the days provided, we found that the Licensee was providing a minimum of 13 hours per day of locally-produced output. However, it appeared that Meridian was not delivering the following Key Commitment:

- The service provides original output for a minimum of 12 hours per day

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 Meridian on how it was complying with these conditions.

Response

Retention and production of recordings

Meridian explained that, relating to the two missing hours of recordings, the equipment used to retain the recordings is old and “suffered a memory error” which resulted it in not capturing those hours of content broadcast. It also explained that it already had intentions to replace the aging equipment through fundraising and added that both the missing hours were automated and not presenter-led shows. Meridian also queried if there was a “margin for error permitted under the rules” because no server can guarantee “100% up time”.

The Licensee also explained that since becoming aware of this issue it has “upgraded” its equipment to prevent future occurrences, stating “recording has gone uninterrupted for the last two weeks”.

Original Output

Meridian acknowledged the original output for the week assessed was insufficient due to a number of factors. It explained since the pandemic it has struggled to get presenters to commit to regular hours and that it has experienced personnel changes impacting its ability to fulfil its Key Commitments.

The Licensee outlined the personnel changes it has had, explaining that one of its presenters has secured employment with a commercial broadcaster helped by the experience gained with the service and was unable to continue volunteering on short notice. It additionally explained that some of its presenters have had to take time away from the service recently to deal with personal matters and illnesses, another presenter is a key worker and can have short notice shift changes impacting its ability to provide sufficient cover, and a local club was unable to continue the programme it presented for a period, but added the club intends to present the programme again soon.

Meridian also stated changes that have already been implemented since the week assessed explaining it has a new presenter for additional shows, new regularly scheduled and extended programming and increased the number of presenters able to present remotely. It added it has further recruitment planned and working towards having more presenters able to produce programmes remotely or with voice-tracking.

The Licensee asked Ofcom to consider a change to its Key Commitments to be more in line with other rural stations with a commitment of eight hours of original output per day.

In response to the Preliminary View, Meridian highlighted that it had made improvements to its output and averaged over 12 hours of original output per day by the start of June 2023. It had also extended its voice tracked material, recruited three new presenters, extended an existing daytime show and restarted two shows.

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.

Retention and production of recordings

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

Breaches of these conditions are significant because they impede Ofcom’s ability to assess the output of the service. This is a key part of the enforcement process for cases about compliance with both licence conditions and the Broadcasting Code.

Although we recognise that the failure to provide full recordings was due to a technical issue, this was a technical issue well within Meridian’s control and would expect licensees to have adequate

infrastructure in place to ensure the broadcast output was retained. This condition should be met at all times and licensees should contact Ofcom proactively if they experience a technical failure.

We also recognise the improvements Meridian has made to rectify this issue, however it remains that the Licensee was not able to retain or produce the full recordings when requested.

Original Output

Ofcom's assessment of the recordings provided by the Licensee demonstrated that the service was not meeting its Key Commitment to broadcast a minimum of 12 hours per day of original output on any days. We found that Meridian was broadcasting a maximum of between five and 11 hours of original output each day. Additionally, during the same week, the schedule indicates that there was not enough original output scheduled to meet the requirement, although we acknowledge that the Licensee has indicated where it has recruited and planned new programmes to help meet its Key Commitments.

We acknowledge the impact that the loss of presenters has caused and recognise that personal matters of its volunteers are outside the Licensee's control. We also recognise the steps that have already been taken to prevent further reductions in its output including investments into remote productions and voice-tracking equipment. However, we would expect this Licensee to have contingency plans in place to ensure it can meet its Key Commitments during periods of volunteer absence.

We appreciate the Licensee has informed us of its intention to change its Key Commitments; licensees may apply to Ofcom to change their Key Commitments and [information about this](https://www.ofcom.org.uk/information-about-this) can be found on Ofcom's website (<https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend>). We note Meridian's statement that it is now averaging over 12 hours of original output per day, but would like to remind licensees that a "per day" requirement **cannot be averaged out across the week**. We have previously approved Key Commitment change requests in which licensees applied to maintain or reduce their commitment to original output, but across each week, rather than per day. We would like to remind all community radio licensees that if they want to change their Key Commitments they need to submit a Key Commitment change request which must be **approved** by Ofcom before they make any changes to their output.

We also note that one of its presenters has secured employment with a company involved in commercial production and broadcasting. An important factor in community radio is for members of the community to gain experience and knowledge in the industry, giving individuals an opportunity that may not have otherwise been available to them to enter into the broadcasting industry. It is commendable to Meridian that through its support a presenter has managed to develop the skills to progress into the industry.

However, it remains the case that Meridian did not broadcast sufficient original output for the week assessed on any days.

Conclusion

Ofcom's Decision is that Meridian FM Radio is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitment:

- The service provides original output for a minimum of 12 hours per day

Our Decision is that the Licensee is also in breach of Licence Condition 8(1) and (2)(a) and (b) for failing to retain and produce recordings to Ofcom on request.

We expect the Licensee to work to rectify these issues immediately.

Breaches of Licence Conditions 2(1) and (4), 8(1) and (2)(a) and (b)