

Six community radio licence awards in the south east of England: July 2016

Ofcom awarded six community radio licences in July 2016. The licences are for services in the south east England region (outside the M25). These awards bring the licensing decisions for this region to a close.

All community radio services must satisfy certain 'characteristics of service' which are specified in regulation 3 of the Community Radio Order 2004. Ofcom was satisfied that the applicants (below) awarded a licence met these 'characteristics of service'. In addition, the applications were considered having regard to the criteria set out in section 105 of the Broadcasting Act 1990 ('BA 1990') (as modified by the Community Radio Order 2004, as itself amended by the Community Radio (Amendment) Orders 2010 and 2015). A summary of these criteria is set out below. The key considerations in relation to these criteria, which formed the basis of Ofcom's decisions to award the licences, are also set out below. Where applicable, the relevant sub-paragraph of section 105(1) of the BA 1990 is noted in brackets. (Please see specific community radio licence award criteria, set out below, for full details of each subsection.)

Applicants awarded a licence

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

- 1 Brighton FM (Alias Music and Community Projects CIC), Brighton and Hove
- Gaydio (Gaydio Brighton Ltd), Brighton and Hove
- Platform B (Platform B), Brighton and Hove
- Radio Cabin (Herne Bay's Radio Cabin), Herne Bay, North East Kent
- Sheppey FM (Sheppey Matters), Sheerness, Isle of Sheppey
- Miskin Radio (North Kent College), North West Kent Gateway

These services will be licensed for a period of five years from the date of their launch. Miskin Radio will be licensed to broadcast on AM, as there was not a suitable FM frequency available for use by this service once decisions in relation to other nearby applicants had been taken into account, and because the applicant had indicated its willingness to accept AM if FM was not available. The remaining five services will be licensed to broadcast on FM.

Ofcom was satisfied that the new services would not prejudice unduly the economic viability of any other local analogue commercial radio service (section 105(3) of the BA 1990).

1 Brighton FM

1 Brighton FM will be a service for the general population of Brighton and Hove, and will feature a broad range of specialist music and community shows. Ofcom noted the group's experience of broadcasting via the internet and the experience of individuals involved (such as in business, marketing, music, audio and website production), and was satisfied that it had demonstrated its ability to maintain the service (1a). The group has a strong volunteer base, and partnerships in place with various community groups which participate in programme-making. Ofcom considered that 1 Brighton FM had built on these to propose workable arrangements for access to the station by the target community (1g). It also has

accountability proposals that the decision-makers were satisfied would allow volunteers and listeners to influence the direction of the station (1f).

Gaydio

Gaydio will broadcast a service for the lesbian, gay, bisexual and transgender (LGBT) community in Brighton and Hove. Ofcom noted that members of the applicant group have experience from a range of areas including radio broadcasting, journalism, business and management, and that the applicant company is allied with another company broadcasting to the same target community elsewhere in the UK. As a result, Ofcom was satisfied it could maintain the proposed new service (1a). Ofcom considered that the service would broaden choice in relation to existing radio services available in the area by super-serving the LGBT community with a service including contemporary dance and pop music alongside a relatively high volume of LGBT-targeted speech content (1c).

Platform B

Platform B will be a music-led station for young adults (aged 16-25 years old) in Brighton and Hove. Ofcom noted that members of the applicant group have experience of youth work, music, local broadcasting, finance, IT and digital media, which Ofcom considered would help enable Platform B to maintain its proposed service (1a). The applicant will co-opt two people aged under-25 on to its board, and encourage volunteers to become members of the licence-holding company. It proposes a range of opportunities for access to the station, and also of collecting feedback from the target community to inform its decision-making. Ofcom regarded these plans as appropriate for ensuring accountability to the target community (1f) and allowing access to the station for that community (1g).

Radio Cabin

Radio Cabin will be a radio station for the general population of Herne Bay, north east Kent. The applicant is a registered charity, formed many years ago, and has gained experience through hospital radio broadcasts in the past, as well as broadcasting via the internet and on temporary FM licences. Ofcom felt that this experience would help enable the applicant to maintain the service (1a). In Ofcom's view, the group's already established community links would help it to promote social cohesion by involving the target community (1e). Ofcom noted that the applicant group already has a volunteer base, as well as a training team, and is experienced in training volunteers. Training will be available to both individuals and community groups (1g).

Sheppey FM

Sheppey FM will be a station for adults and young people with physical or mental health disabilities in Sheerness, Isle of Sheppey. The applicant, Sheppey Matters, is a registered charity with experience of running outreach projects from its base at Sheppey Healthy Living Centre. As a result, the decision-makers considered that it had the experience and funding necessary to set up the proposed low-cost service and maintain it (1a). Ofcom noted that the applicant works with many partner organisations in the area. It has experience of delivering training, which is a central part of Sheppey FM's social gain proposals, as well as other benefits, such as promoting healthy living. As a result Ofcom was satisfied that the applicant would deliver social gain to its target community (1e).

Miskin Radio

Miskin Radio will be a community radio service on the AM (medium wave) band for people living in the Gravesham, Dartford and Bexley areas. The applicant is North Kent College, and the station will be run by a separate radio members' committee, reporting to the College's senior leadership team. The service will operate from studios within the college, and Ofcom was satisfied that the service could be maintained (1a). The applicant demonstrated a good level of support for the service, as well as links with local bodies (1d). Ofcom noted the applicant's proposals for training, including introductory courses, as well as opportunities to train in different locations across the area (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:

licensing.ofcom.org.uk/binaries/radio/community/thirdround/notesofguidance.pdf

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) 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

In respect of the licensing of community radio services in particular, 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".

Specific community radio licence award criteria

There are seven specific selection criteria set out in section 105(1) BA 1990 that Ofcom must have regard to when considering whether to make a community radio licence award. 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

On 30 June 2015 Ofcom invited applications for licences to provide community radio services in locations in the south east of England (outside the M25). Licences were offered for the provision of services on either the FM (VHF) or AM (medium wave) wavebands (see Ofcom's 'invitation to apply' on our website at

http://licensing.ofcom.org.uk/binaries/radio/community/thirdround/Invitation_for_south_east_England_June_15.pdf

Ofcom received 26 applications for community radio services at locations in this region. The non-confidential sections of all applications are available for public scrutiny on our website.

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 Group (namely, Ofcom's Director of Content Standards, Licensing and Enforcement, Ofcom's Director, Broadcast Licensing and Ofcom's Director, Standards and Audience Protection). 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 latest licence awards were Ofcom's Director of Content Standards, Licensing and Enforcement, and Ofcom's Director, Broadcast Licensing.

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