

## Providing a service in accordance with ‘Key Commitments’, Harbour Radio CIC

**Type of case** Broadcast Licence Conditions

**Outcome** In Breach

**Service** Harbour Radio

**Date & time** 21 to 27 November 2022

**Category** Key Commitments

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

### Introduction

Harbour Radio is a community radio station licensed to provide a service for the community of Great Yarmouth and surrounding areas. The licence is held by Harbour Radio CIC (“Harbour Radio” or “the Licensee”).

Like other community radio stations, Harbour Radio is required to deliver ‘[Key Commitments](http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr100787.pdf)’ (<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr100787.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 Harbour Radio was not broadcasting the service described in its Key Commitments, in particular, that the station’s programming did not include original output for a minimum of 12 hours per day. We therefore requested a programme schedule and recordings of all seven days of Harbour Radio’s output for the week of 21 to 27 November 2022, indicating all content that falls under Ofcom’s definition of original output.

Having listened to the recordings, it appears that Harbour Radio was not delivering the following of its Key Commitments:

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

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Harbour Radio’s licence: These state, respectively:

- (1) “The Licensee... shall provide the service specified in Part I (b) of the Annex for the remainder of the licence period”, and
- (4) “...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 Harbour Radio on how it was complying with these conditions.

### **Response**

The Licensee did not respond to our request for comments.

### **Decision**

Reflecting our duties to ensure a diverse range of local radio services, community radio licences require the provision of the specified licensed service. This is the fundamental purpose for which a community radio licence is granted.

During the period monitored, the Licensee did not deliver the minimum amount of 12 hours of original output per day required by its Key Commitments. Ofcom found that the Licensee had under-delivered against this Key Commitment on five of the seven days monitored. On 24 November, 10 hours of original output was broadcast; on 22 and 27 November nine hours of original output was broadcast on each day; and on 25 and 26 November only seven hours of original output was broadcast on each day.

Ofcom’s Decision is therefore that there was a breach of Licence Conditions 2(1) and 2(4).

We expect the Licensee to work to rectify this immediately.

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