

## Providing a service in accordance with ‘Key Commitments’, Secklow Sounds CIC

<b>Type of case</b>	Broadcast Licence Conditions
<b>Outcome</b>	In Breach
<b>Service</b>	1055 The Point
<b>Date &amp; time</b>	26 September to 2 October 2022
<b>Category</b>	Key Commitments
<b>Summary</b>	The Licensee failed to maintain its character of service and provide the main types of music and speech and the locally-produced output specified in its Key Commitments. Breaches of Licence Conditions 2(1) and 2(4).

### Introduction

1055 The Point is a community radio station for people in Milton Keynes, and particularly the disadvantaged, and those from diverse backgrounds. The licence for 1055 The Point is held by Secklow Sounds CIC (the “Licensee”).

Like all other community radio stations, Secklow Sounds CIC is required to deliver ‘[Key Commitments](http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr100777.pdf)’ (<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr100777.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 about the Licensee’s compliance with its Key Commitments. In order to assess the complaint, Ofcom requested recordings of the output of the service between 26 September and 2 October 2022, as well as a programme schedule for the same week and an explanation of how the Licensee was meeting its requirements under its Key Commitments.

Having assessed the recordings, associated programme schedule and written response from the Licensee, it appeared that Secklow Sounds CIC was not delivering the following Key Commitments:

- Character of service: 1055 The Point “is a radio service for people in Milton Keynes, and particularly the disadvantaged, and those from diverse backgrounds. It gives a platform to local emerging music and arts, and promotes the voluntary sector”.
- “Music: The main type of music broadcast over the course of each week are: mainstream music across popular genres from the 1960s to the present day; specialist shows featuring local and other independent artists, plus music from earlier decades”.
- “Speech. The main types of speech output broadcast over the course of each week are: interviews and discussions on issues affecting the local community; national and local news; local weather and traffic updates”.
- “The service provides all locally-produced output<sup>1</sup>, with the exception of national news bulletins”.

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Secklow Sounds CIC’s licence. 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”.

“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”.

Ofcom requested comments from the Licensee on how it was complying with the above conditions.

## Response

The Licensee provided the comments summarised below ahead of receiving Ofcom’s Preliminary View. Following receipt of the Preliminary View, it added that it is “a station recovering from not only covid but years of neglect” and is trying to rectify this, “including [the] revision of key commitments that [is in progress] as a request alongside immediately rectifying certain points raised that were previously not clarified”.

## Character of service

The Licensee stated that it provides “a range of music accessible to all. By playing well known and upbeat music, [it broadens its] appeal and ensure[s] all demographics are positively impacted”. It set out that it promotes the arts through mentioning events, fundraising appeals and campaigns on air and on its website. It said that it is open to promoting emerging local music but has not received any “local submissions from the broadcast area”, although it stated that it does play older local music as part of its regular playlist and produces a new music show on a Sunday.

The Licensee also stated that it has worked with MK SNAP, a special needs work project, to “create content suitable for the demographic”.

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<sup>1</sup> Locally-produced output is any output made and broadcast from within the service’s licensed coverage area. It may include all types of local production.

## Music

The Licensee set out that its music format is “a soft [adult contemporary] that splits between 70s-90s predominantly but also has space for 00s”. It also stated that it has a specialist 60s show, new and local music show and a country show including songs from all eras and the latest releases.

The Licensee also explained that it has started to amend its music programming to have a different sound from MKFM, another community radio station in the area.

## Speech

The Licensee stated that it regularly mentions local issues, sport and news, and has interviews with local charities to promote their campaigns. It also set out that it has a national news service hourly, a locally-produced local news service and presenters mention weather and traffic.

Regarding broadcasting interviews and discussions on issues affecting the local community, the Licensee said “Due to the death of her Majesty the Queen [it] took guidance from other broadcasters and kept a low key and sombre tone to [its] shows so felt it inappropriate to have live guests/ discussion”.

## Locally-produced output

The Licensee set out that presenters are “predominantly from the local area and those that cannot make it to the studio due to their economic situation or in one case, physical disability, [it offers] the option to record their shows at home”. It explained that this means some programmes are not locally-produced because of expectations of flexible working and changing situations for presenters since they committed to volunteering, and the need to retain experienced volunteers. The Licensee stated that it is in the process of submitting a Key Commitment change request to reduce the number of locally-produced hours it is required to broadcast.

## 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.

## Character of service

1055 The Point’s character of service states that it “is a radio service for people in Milton Keynes, and particularly the disadvantaged, and those from diverse backgrounds”. Ofcom’s assessment of the recordings provided by the Licensee found that there was insufficient content to distinguish the service from a service targeting the general population of Milton Keynes. The presenter content monitored consisted of general chat, charity events and donation information, and traffic news. There was no content specifically for “the disadvantaged” or “those from diverse backgrounds”. We acknowledge that the Licensee said it has previously worked with MK SNAP but there was no indication that this is an ongoing relationship and there was no content relating to this partnership broadcast during the week monitored.

We also acknowledge that the Licensee has said that it “gives a platform for local emerging music and arts” but has not received submissions of music from its broadcast area.

There was content broadcast on the service promoting local charity events and one programme broadcast during the week provided information about upcoming music events in the local area, but we did not consider that was sufficient to deliver the station's character of service.

Overall, we consider that the Licensee was not complying with its character of service during the week monitored, in particular that it provides "a radio service for people in Milton Keynes, and particularly the disadvantaged, and those from diverse backgrounds".

### Music

Between 26 September and 2 October 2022, Ofcom found that the station predominantly broadcast mainstream popular music from the 1980s and 1990s. 1970s music featured occasionally during daytime and in specialist shows, with 1960s music mostly featuring in specialist shows and no music heard from "earlier decades". There was limited music from the 2000s onwards and there was no recognisable mainstream music from the present day heard in our assessment, other than some songs released during the last few years during the country music show.

There is no requirement for the service to broadcast every type of music stated in its Key Commitments on each day or to broadcast music from each decade since the 1960s. However, mainstream music across popular genres from the 1960s to the present day should be present in the service's output across the week. We acknowledge the Licensee's comments that it broadcasts a new and local music show and a country show including the latest releases, but the only music from the present day heard during those shows was during the country show. Further, we considered that the country show could not meet the requirement to broadcast mainstream music across popular genres because, by its very nature, it featured country music only. It should also be noted that the new and local music show would need to feature a range of genres, in addition to new releases, to count towards the Licensee's music commitment.

We therefore consider that the Licensee did not meet its requirement to broadcast "mainstream music across popular genres from the 1960s to the present day; specialist shows featuring local and other independent artists, plus music from earlier decades".

### Speech

The speech content present during the week monitored consisted of national and local news, local weather and occasional traffic updates. There was some other presenter content but no interviews and discussions on issues affecting the local community were broadcast.

We acknowledge the Licensee's submission that it adjusted its programming following the death of the Queen, however the week monitored was not during the national period of mourning and the Queen's funeral had taken place a week earlier, so we consider that it would have been appropriate to broadcast interviews and discussions during the week broadcast. There was no indication from the other content broadcast during the week that programming had a "low key and sombre tone" as the Licensee had suggested. We understand the necessity to amend programming during the national period of mourning, and would expect licensees to take appropriate measures without needing to inform Ofcom of their plans, but the Licensee did not contact Ofcom to explain that it would be unable to meet this aspect of its Key Commitments following the end of the national period of mourning.

We therefore consider that the Licensee did not meet the speech requirements in its Key Commitments during the week monitored.

### Locally-produced output

The service is required to provide all locally-produced output, with the exception of national news bulletins. In our assessment of the recordings and schedule provided, we found that the Licensee broadcast a maximum of 127 hours of locally-produced output during the week monitored with 41 hours of output that was not locally produced.<sup>2</sup>

We acknowledge that some of the Licensee's output is made by volunteers from the local area that were originally due to travel to the studio and can no longer do so, meaning that content produced by these volunteers from home cannot be defined as locally produced. We also recognise that the Licensee considered the Coronavirus pandemic as a factor in its failure to meet its requirement to provide all locally-produced output. In a note to broadcasters, dated 12 April 2021, Ofcom stated:

“If you anticipate that you may still face challenges in meeting any of your production and programming commitments beyond 30 September 2021 as a result of the ongoing impact of the pandemic, we ask that you notify us as soon as possible before this date to explain what obligation(s) may be missed, the circumstances that have led to this, and any mitigations you have sought to put in place. We may seek further relevant information as necessary. If no attempt to contact Ofcom is made and a licensee subsequently fails to meet its programming and production commitments, we may commence enforcement action”.

The Licensee did inform Ofcom in November 2020 that it was unable to make all of its programming in its licensed coverage area due to presenters making content from home during the pandemic. However, Ofcom received no communication from the Licensee since the last note to broadcasters was published stating any continuing difficulties that it was experiencing.

We understand that the Licensee has applied for a Key Commitment change request to better reflect how it serves its community. However, a change request must be approved by Ofcom before any changes are made to any part of a service's output that would mean it is no longer compliant with its Key Commitments.

We therefore consider that the Licensee has failed to meet the requirement to broadcast all locally-produced output with the exception of national news bulletins.

### Conclusion

Ofcom's Decision is therefore that Secklow Sounds CIC is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitments:

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<sup>2</sup> Where an hour included a national news bulletin and the rest of the hour was locally-produced, this hour was counted as an hour of locally-produced output.

- Character of service: 1055 The Point “is a radio service for people in Milton Keynes, and particularly the disadvantaged, and those from diverse backgrounds. It gives a platform to local emerging music and arts, and promotes the voluntary sector”.
- “Music: The main type of music broadcast over the course of each week are: mainstream music across popular genres from the 1960s to the present day; specialist shows featuring local and other independent artists, plus music from earlier decades”.
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- “The service provides all locally-produced output, with the exception of national news bulletins”.

We expect the Licensee to work to rectify these issues immediately. Ofcom will monitor this service to ensure that the Licensee is complying with its Key Commitments, including its character of service.

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