



## Providing a service in accordance with ‘Key Commitments’, Jorvik Radio Limited.

<b>Type of case</b>	Broadcast Licence Conditions
<b>Outcome</b>	In Breach
<b>Service</b>	Jorvik Radio
<b>Date &amp; time</b>	13 August 2023
<b>Category</b>	Key Commitments
<b>Summary</b>	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

Jorvik Radio is a community radio station for the City of York and the surrounding areas. The licence is held by Jorvik Radio Limited (“Jorvik Radio” or “the Licensee”).

Like all other community radio stations, Jorvik Radio is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102149.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102149.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. The complaint stated that Jorvik Radio was failing to meet its Key Commitments to broadcast a minimum of 12 hours of original output per day, was not providing speech content relating to faith and did not have mechanisms in place to ensure accountability.

In order to assess the complaint, Ofcom requested recordings of the output of the service between Monday 7 August 2023 to Sunday 13 August 2023, as well as full programme schedules for the week

and an explanation of how Jorvik Radio was meeting its obligations under its Key Commitments in relation to original output, speech and accountability.

Having reviewed the Licensee's response and material provided to assist us in our assessment, we found that Jorvik Radio was broadcasting the main types of speech output set out in its Key Commitments and did have mechanisms in place to ensure it is accountable to its target community. However, we found that the Licensee broadcast eight hours of original output on one of the seven days monitored. It therefore appeared that Jorvik Radio 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."
- "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 Jorvik Radio on how it was complying with these conditions.

## Response

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Jorvik Radio stated in its response that it exceeds its commitment to provide original output for 12 hours per day. The Licensee also stated in clarifications to Ofcom surrounding its output on Sunday 13 August 2023 that it has "researched into the day in question, and [it has] found the issue. This is a rare situation for Jorvik Radio, and is an honest mistake."

Jorvik Radio set out that the reason for automation instead of the stated original output hours was volunteer and staff holidays, the Licensee acknowledged challenges in finding appropriate cover for the day in question. Jorvik Radio also stated it will learn from this incident, and ensure similar issues are not repeated.

Finally, the Licensee stated that Jorvik Radio typically exceeds its requirement for original output.

## Decision

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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.

During the period monitored, we found that the Licensee broadcast between eight and eighteen hours of original output per day. Ofcom acknowledges that Jorvik Radio broadcast a total of 92 hours of original output during the week monitored, an average of approximately 13 hours per day. However, due to having a daily requirement for original output, Jorvik Radio underdelivered on its daily requirement on 13 August 2023, when it broadcast eight hours of original output. Many community radio stations have weekly rather than daily original output requirements. If the Licensee

wishes to convert its daily commitment for original output to a weekly commitment, it should submit a request to change its Key Commitments.

Ofcom's Decision is that Jorvik Radio Limited is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with its Key Commitment to provide original output for a minimum of 12 hours per day on 13 August 2023.

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