

In Breach

Blast 106

Providing a service in accordance with 'key commitments': 28, 29 and 30 January 2013

Introduction

Blast 106 is a community radio station in Belfast which has been broadcasting since July 2009. The station is owned and operated by Blast 106 Limited ("Blast" or "the Licensee").

Blast 106's 'key commitments' state that it is licensed to serve "Students living in Greater Belfast from Queens University, the University of Ulster and Belfast Metropolitan College and young people living, working or studying in greater Belfast." The 'key commitments' also require the station to develop its output over time to 80% music and 20% speech.

'Key commitments' form part of each community radio station's licence with Ofcom. They set out how the station will serve its target community and include a description of the programme service; social gain (community benefit) objectives such as training provision; arrangements for access for members of the target community; opportunities to participate in the operation and management of the service; and accountability to the community. Each year community radio stations are required to submit an annual report to Ofcom setting out how they are meeting these 'key commitments'.

In March 2012 Blast submitted its report for the year January to December 2011. It said that it was broadcasting content in a ratio of 90:10 music to speech in daytime. Ofcom wrote to the Licensee in August 2012 noting that it had begun broadcasting in 2009, and explaining that Ofcom expected it to be broadcasting in a ratio of 80:20 music to speech in daytime from autumn 2012 onwards.

We also received a number of enquiries alleging a lack of speech output directed at Blast 106's target community, and predominantly mainstream chart music rather than a more varied mix of genres, as required by Blast 106's 'key commitments'.

Ofcom requested recordings of Blast 106's output in November 2012. After monitoring this output we wrote to the Licensee saying we had concerns about the extent to which the station was meeting its 'key commitments', and that we considered it may be in breach of its licence. The Licensee responded explaining that the dates of the recordings Ofcom had selected to monitor had coincided with the installation of new technical equipment at the station, of which Ofcom had received prior notification, and therefore its output on those dates had not been typical.

Subsequently we requested recordings of Blast 106's output on 28, 29 and 30 January 2013 and assessed these. We considered that the amount of speech output, the inclusion of specific types of speech content, and the variety of music featured in this output raised issues warranting investigation under the following conditions of Blast 106's licence:

Condition 2(1) contained in Part 2 of the Schedule to the licence, which states that:

"The Licensee shall provide the Licensed Service specified in the Annex* for the licence period"; and

Condition 2(4), contained in Part 2 of the Schedule to the licence, which states that:

“The Licensee shall ensure that the Licensed Service accords with the proposals set out in the Annex¹ so as to maintain the character of the Licensed Service throughout the licence period.”

Specifically, Blast 106’s ‘key commitments’ require that:

- Daytime output will initially typically comprise 90% music and 10% speech, developing over time to 80% music and 20% speech.
- Speech output will include debate and discussion on issues of specific interest and importance to students and young people locally, regionally, nationally and internationally. Blast 106 will provide local student news and coverage of student sports events. The station will produce documentaries and will cover developments in student politics.
- Blast 106 will provide local student news and student politics as they relate to and affect the local student community and will promote debate and discussion throughout, with programming that is interactive with the community served through phone-in, text-in, email and post.
- Music output will be very varied but will be directed to the tastes and interests of volunteers and the community served.

Ofcom therefore wrote to the Licensee to request its formal comments on its compliance with Conditions 2(1) and 2(4) in Part 2 of the Schedule to its community radio licence.

Response

Music to speech ratio

The Licensee submitted that its ‘key commitments’ applied to term time only, and that the recordings requested by Ofcom in late January started on 28 January 2013, the same date as the start of the new academic term at Queens University and University of Ulster “and it takes a while for the schedule to settle down again”. It argued that the content therefore did not reflect its typical output.

Blast acknowledged that Ofcom defines ‘daytime’ as 06:00 to 19:00 but argued that this time period was more relevant to commercial radio stations which, because of their wider broadcast area, would attract listeners travelling to and from work. It explained that its more restricted broadcast reach meant its audience was unlikely to listen before 07:30 to 08:00 and therefore Blast 106 only commenced its live output from 07:00. It also noted that its speech content was therefore significantly less in the first hour of this output, at an average of 5.8%, rising to 11.5% between 08:00 and 09:00, and 15.3% between 09:00 and 10:00.

The Licensee submitted that, based on its own ‘daytime’ definition of ‘live’ output from 07:00 to 19:00, it had transmitted 89% music to 11% speech output. Although Blast said it did not “concede the definition of Daytime as starting at 6am”, it accepted that, based on Ofcom’s definition of ‘daytime’ it had not achieved its required music to speech ratio in the broadcasts in question, but again pointed to its view that this output was not typical.

Blast explained that it would now ensure that speech output is included between 06:00 and 07:00, and that this would be more than the 90:10 minimum ratio and would contribute to progressing to the 80:20 ratio required by its ‘key commitments’.

¹ The Annex sets out the radio station’s ‘key commitments’. Blast 106’s ‘key commitments’ in full can be found at: <http://www.ofcom.org.uk/static/radiolicencing/Community/commitments/cr140.pdf>

The Licensee added that it had experienced difficulty in recruiting a volunteer presenter for a three-hour period each afternoon and, as a result, the programme broadcast daily between 13:00 and 16:00 was pre-recorded and had little or no speech content.

Speech output

In its correspondence with the Licensee, Ofcom had noted that three of the programmes it had monitored included speech content that was likely to be of interest to students and young people. The Licensee responded that Ofcom had therefore “conceded that we have met the legal standard of our key commitment”. It said it therefore did not understand why Ofcom was investigating this aspect of its output, or querying, as we had done, why there had been no references to either of the two local universities or the local college during the period monitored. It pointed out that there was no such requirement in its ‘key commitments’ and that the “very essence of the station” was to be a part of the student body that was wholly independent of these academic institutions. Further, it argued that there was no quota or required proportion of speech output of interest to students and young people set out in its ‘key commitments’.

The Licensee provided some evidence of such material being broadcast in the evening and late evening. It referred us to *The Lockin* (21:00 to 24:00), two programmes in the 19:00 to 21:00 slot, (which included interviews about the local music scene and gig guides, for example) and *The Clinic* (which included features about relationship problems and bullying, for example). It also referred to *The Jam* (16:00 to 19:00) which included news, sports news and entertainment news.

The Licensee said its fulfilment of the aspect of its ‘key commitments’ referring to coverage of student news, politics and sport was “not done on a minute by minute basis but rather across the year to allow for peaks and troughs of relevant material”. It argued that student politics was most relevant in the second and third academic terms when elections were taking place, student sports was primarily a springtime focus, and student news and politics is “more generic general interest news and dependant on the receipt of press releases from the universities and students unions”.

Music output

Blast described itself as being “100% compliant with the wording (and indeed the spirit) of the key commitment”. It stated that its output was varied, and accepted that some programming “may contain more chart music”, but explained that this was required so that its output was directed to the tastes and interests of volunteers and the community it served, as required by its ‘key commitments’. It pointed out that if its volunteers and community wanted 24 hour chart music then that is what it would have to provide to comply. However, it stressed the varied nature of the music it provided, referring to other programming that featured varied music such as classic tracks, dance, urban, hip hop, indie, alternative and local music, for example “post-folk postjazz”.

Decision

Community radio is licensed by Ofcom according to the requirements of the community radio legislation. It sets out five characteristics of community radio services, one being that “it is intended primarily to serve one or more communities (whether or not it also serves other members of the public)”.

The application for the Blast 106 service said “Belfast Student Radio [subsequently re-named as Blast 106] will serve a ‘community of interest’ i.e. students living in Greater Belfast from Queens University, the University of Ulster and Belfast Institute of Further & Higher Education” (the latter is now known as Belfast Metropolitan College).

Under the terms of the Broadcasting Act 1990 Ofcom is required to draw up appropriate licence conditions to secure the character of the service. For community radio services, an annex to the licence sets out the service's 'key commitments'. The proposals put forward in the licence application are used to draw up these 'key commitments'.

In the case of Belfast Student Radio (now Blast 106), a reference to serving young people living, working or studying in Greater Belfast, as well as students, was added at the drafting stage. As a result, the 'key commitments' describe the target community as: "Students living in Greater Belfast from Queens University, the University of Ulster and Belfast Metropolitan College and young people living, working or studying in Greater Belfast".

We noted the Licensee's view that its 'key commitments' "apply to term time only". However, the only commitment that specifies "during term-time" refers to the amount of 'live' (rather than pre-recorded) output that must be broadcast. No other commitments refer to any particular time of year. Therefore we do not accept Blast 106's view that any of the 'key commitments' under investigation were only to required to be delivered during term time.

Music to speech ratio

Blast 106's 'key commitments' require 10% speech output in daytime rising to 20% over time. As noted above, we wrote to the Licensee in August 2012 and said we expected it to be broadcasting 20% speech in daytime output from autumn 2012. Our monitoring was conducted on output broadcast in January 2013 and so should have met the 20% requirement.

The key commitment setting out the required music to speech ratio refers to 'daytime' output, but does not define this period. Ofcom generally defines 'daytime' as 06:00 to 19:00.

Across the three days monitored Ofcom's analysis of the output in 'daytime' showed the station was broadcasting 7.6% speech content from 06:00 to 19:00. (Speech content excludes advertising, programme/promotional trails, and sponsor credits.)

We took into account the Licensee's representations about how the 'daytime' period might be interpreted for its target student community. This produced the following results:

- 7.9% speech content from 07:00 to 19:00 hours; and
- 8.1% speech content from 08:00 to 19:00 hours.

We concluded that the Licensee was not broadcasting the amount of speech content in 'daytime' required by its 'key commitments'. We noted that Blast 106 is now actively seeking to increase the amount of speech it broadcasts in 'daytime'.

Speech output

The 'key commitments' set out the types of speech to be included in the station's output and refer to a range of different speech topics as well as debate and discussion items. Our monitoring found that three specific programmes – *The Scene*, *Through the Wall* (and *The Clinic* assessed from November 2012 recordings) – each comprised more than 10% speech and reflected Blast's character of service. Some significant speech items, interviews for example, were included in each case. We noted that, on the basis of our correspondence about this programming, the Licensee argued that Ofcom had "conceded that we have met the legal standard of our key commitment". However, we do not agree with this interpretation of our comments.

The Licensee had also drawn Ofcom's attention to the introduction of a limited amount of new speech content in the form of sports, news and entertainment slots in *The Jam* on weekday afternoons. However, in our monitoring we found that the overall speech content of

this programme remained low (the average daily speech content over the three-hour programme was: Monday 8.9%; Tuesday 9.5%; Wednesday: 8.9%).

Our monitoring of some evening programmes indicated that they carried speech content likely to be of interest to the target community. However these programmes amounted to a very small proportion of the station's total output.

Overall, we noted, particularly in 'daytime', that speech output mainly comprised presenter links to music with general news and sports bulletins. There was a lack of content with a student-focus, and of material that satisfied the two 'key commitments' specifically relating to speech material.

During the three days in January 2013 and two days in November 2012 when we monitored output, we heard no local student news, coverage of student sports events, documentaries, or coverage of student politics.

To illustrate this, we highlighted to the Licensee that, by way of example, there had been no references to either of the two local universities or the local college during the 40 hour period monitored. We accept that the Licensee is independent of these institutions. However, the primary target community is "students living in Greater Belfast from Queens University, the University of Ulster and Belfast Metropolitan". In addition we noted that the station has a governing Council of six members with (as stated in the 'key commitments') "at least one from each of the three academic institutions". As a result Ofcom considered it was reasonable to illustrate the lack of student-related speech in our monitoring by referring to a deficiency of news, information or other mentions of these institutions, their students' unions or societies, for example.

We noted that the Licensee pointed out that the 'key commitments' do not refer to a quota or set required level for student-related material in its speech output. We accept this. We also noted that Blast provided some evidence of its student-related speech output, namely *The Lockin* (21:00 to 24:00), and two weekly programmes in the 19:00 to 21:00 slot, as well as *The Clinic* (also weekly 19:00 to 21:00) and *The Jam* (16:00 to 19:00). However, in Ofcom's view, a station should broadcast speech output directed at its primary target community throughout the day and evening, and this should not be most prevalent in programming outside of 'daytime', i.e. in this case, after 19:00.

We remain concerned that the small amount of speech that is broadcast in 'daytime' is very general in nature, and not specifically targeted at students in Belfast, i.e. the primary target community. In addition, some student-related speech items required by the 'key commitments' were not heard in the monitored output (local student news, coverage of student sports events, documentaries, coverage of student politics), nor has the Licensee provided convincing evidence that such material is being broadcast except at certain times of the year in response to particular events.

Music output

We noted in our monitoring that Blast 106's 'daytime' music output appeared to be predominantly chart and dance music. Ofcom acknowledged that there are some programmes in the schedule that broadcast music of a greater variety (*The Scene*, broadcast on Mondays between 19:00 to 21:00; *Through The Wall*, broadcast on Wednesdays between 19:00 and 21:00; Thursday evening programming focussing on urban, and R&B, and weekend evenings on dance). However, Ofcom was concerned that it was only programmes broadcast in the evenings that featured a range of music genres. The 'key commitments' require that music output is very varied, but in 'daytime' we did not consider this to be the case.

We took into account the Licensee's submission that if its volunteers want the output to be dominated by chart music for example, then the station must broadcast this to be compliant with its 'key commitments', which state that "Music output will be very varied but will be directed to the tastes and interests of the volunteers and the community served." However, our interpretation of this 'key commitment', consistent with the original application for this service, is that the music output needs to be "very varied", but only within the context of the target community (i.e. students and young people). Therefore, we would not expect Blast 106 to provide "variety" in the sense of also providing older-leaning genres such as easy listening, classical, gold pop or classic rock, but we would expect to hear a variety of genres that have youth-appeal such as those outlined in Blast's licence application (e.g. indie rock, electronica, R&D, drum n' bass).

The second half of the 'key commitment' relating to music (that it will be "directed to the tastes and interests of volunteers and the community served") does not negate the requirement to be very varied, and the apparent contradiction within the requirement implied by the Licensee does not, in our view, exist.

Ofcom considered that its view was consistent with the original application for the licence, which stated: "Our research showed that students tend to have a rather eclectic taste in music and the station will reflect this while always trying to concentrate on local and student bands which the listeners have an opportunity to go and see live in the local area...Music genres will include rock, punk, jazz, electronica, R&B, D&B, Ska, Hip Hop etc".

Conclusion

Blast 106's target community is: "Students living in Greater Belfast from Queens University, the University of Ulster and Belfast Metropolitan College and young people living, working or studying in Greater Belfast."

In the section on accountability to the target community, the 'key commitments' underline that "the primary focus of the station is the student community of Belfast Metropolitan College, University of Ulster and Queens University".

Ofcom expects all community radio stations to direct most of their programming at their primary target community, unless otherwise specified in their key commitments. A station that broadcasts material specifically related to the primary target community for a limited period only, or outside of peak listening times, does not appear to Ofcom to be operating within the spirit of the statutory requirements.

As set out above, we have taken into account the following matters:

- the combination in 'daytime' output of a high volume of music (more than 90%) with very little speech of specific relevance to the target community;
- a very modest amount of speech output of direct relevance and interest to the primary target community, broadcast in the evenings only;
- a lack of variety in the music output except in specialist programmes; and
- certain speech material not being featured in output for much of the year.

As a result, we have concluded that the Licensee is in breach of its licence for failing to provide a service in accordance with its 'key commitments'.

Breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Blast 106 Limited (licence number CR140).