

## Five community radio licence awards in the south east of England: April 2016

Ofcom awarded five community radio licences in April 2016. The licences are for services in the south east England region (outside the M25).

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:

- Red Kite Radio (Red Kite Radio and Media Limited), Haddenham (Buckinghamshire) and Thame (Oxfordshire)
- Wycombe Sound (Wycombe Community Radio CIC), High Wycombe, Buckinghamshire
- Witney Radio (Witney Media CIC), Witney, Oxfordshire
- Hailsham FM (Hailsham FM Ltd), Hailsham, East Sussex
- Bexhill FM (Rother Media), Bexhill-on-Sea, East Sussex

These services will be licensed for a period of five years from the date of their launch. All 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).

### Red Kite Radio

Red Kite Radio will be for the people of Haddenham and Thame, with a service featuring community voices provided via the station's open access approach to speech content. Ofcom considered that the applicant's proposed output, with its focus on Haddenham and Thame community news and features, and the inclusion of local voices as described above, would broaden the range of output available in this area (1c). In Ofcom's view, the applicant's previous broadcasting experience and the other relevant experience of group members, and its reasonable financial proposals for set-up and year one, demonstrated its ability to maintain the service (1a). The applicant provided evidence of demand and support for its service, including partnerships with local organisations (1d).

## Wycombe Sound

Wycombe Sound is for people aged 35 and over in High Wycombe. Ofcom was satisfied that the applicant had demonstrated its ability to maintain its proposed service. It had operated the station as a temporary FM service; and group members had relevant experience in broadcasting, further education and local business, as well as links with a number of local organisations (1a). Ofcom noted the applicant's social gain proposals, which will encourage interaction with the station, and give a platform to local organisations and for charity campaigns (1e). The applicant has a strong volunteer base (1g), and notable level of local support and demand for the service (1d).

## Witney Radio

Witney Radio will serve the community of Witney and surrounding villages, with a locally-focused service including local news, as well as information about life in Witney. Ofcom thought that such a service would be distinctive and broaden radio choice in the area (1c). Ofcom also considered that the applicant showed its ability to maintain the proposed service through its proposals for a low-cost operation, which is volunteer-run, and for which premises have already been secured (1a). The applicant also demonstrated good levels of support and demand for the station (1d), which should help to ensure that the service retains strong links to its target community.

## Hailsham FM

Hailsham FM will be a service for the whole community in Hailsham, an area which is not the sole editorial focus of any existing radio services. Ofcom felt that group members had useful relevant experience in a range of fields including small business, training, music, radio broadcasting and sound engineering, and that the applicant had presented a sound business plan for a relatively low-cost service. As a result Ofcom considered that it had the ability to maintain the service (1a). The proposed service has a good range of social gain objectives, including a focus on training, and ideas to involve and inform a range of people including vulnerable groups such as the elderly (1e). Ofcom also recognised that the applicant had good links to the local community through its connections with local organisations, and had gathered support from a range of businesses, charities and other groups (1d).

## Bexhill FM

Bexhill FM will provide a service for the community of Bexhill-on-Sea. The applicant has strong links to Bexhill Academy, with which it will continue to work, for example, in devising a programme to provide training (1g). Ofcom was satisfied that the applicant had demonstrated its ability to maintain the proposed service – it had operated temporary radio services in Bexhill, developed links with local organisations and businesses (both of which will be promoted on-air), and has studio premises in place (1a). Ofcom considered that the proposed service's focus on Bexhill, including local news and community information, as well as music from unsigned artists, would distinguish its output from that of existing commercial stations in the area (1c). In addition, the applicant demonstrated a good level of local support for its proposals (1d).

## 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](https://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](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 Head of Radio and Local TV Policy and Ofcom's Head of Complaints, Licensing and Enforcement). 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 Head of Radio and Local TV Policy and Ofcom's Head of Complaints, Licensing and Enforcement

April 2016