

## Six community radio licence awards in the south east of England: June 2016

Ofcom awarded six community radio licences in June 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:

- Angel Radio (Angel Radio Limited), Portsmouth and Havant
- BFBS Portsmouth (BFBS Portsmouth Limited), Portsmouth
- Awaaz FM (Awaaz FM Community Radio CIC), Southampton
- Fiesta FM (Fiesta FM CIC), Southampton
- Wey Valley Radio (Wey Valley Radio (Alton) Ltd), Alton, Hampshire
- Winchester Radio (Winchester Radio), Winchester, Hampshire

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).

### Angel Radio

Angel Radio will be a service for the over-60s in Portsmouth and Havant. Ofcom noted that the application was from a well-established group which is already providing a community radio service in the Havant area only, and was satisfied that it had demonstrated its ability to maintain a service covering a larger area (1a). Ofcom considered that the applicant showed relevant social gain objectives for its target community (1e), and demonstrated how well the output catered for the tastes and interests of an older audience (1b). Ofcom also felt that the service would quite clearly broaden radio choice in the area (1c). The applicant proposes good arrangements for access to the station for the over-60s (1g) and for being accountable to that community (1f), and has a good level of support from its target community (1d).

As noted above, Angel Radio currently broadcasts a community radio service to Havant. The station will surrender its existing licence when the new licence commences.

### **BFBS Portsmouth**

BFBS Portsmouth will be a service for the armed forces community based in and around HM Naval Base in Portsmouth. Ofcom noted that the applicant company has existing assets and stable financial backing, and is allied with a number of other military-focused radio services around the UK. As a result, Ofcom was satisfied it could maintain the proposed new service (1a). Ofcom considered that the service would broaden choice in relation to existing radio services available in the area by having a strong military focus (1c), and would provide social gain through welfare support and other proposals relevant to the target community (1e).

### **Awaaz FM**

Awaaz FM will be for ethnic minority communities in Southampton, and in particular those resident in the more deprived wards of the city. Ofcom considered that the applicant's emphasis on providing output in a variety of different languages, including Urdu, Punjabi, Pashtun and Hindi, would help to cater for the tastes and interests of people in the area (1b) and broaden choice in relation to existing services (1c). It also considered that the experience within the group of local radio broadcasting, the third sector and fund raising, would help it to maintain its proposed service (1a). Ofcom was satisfied with the social gain proposals, which set out how the service would be a platform for community organisations and an information resource for the local community, as well as establishing training for volunteers (1e).

### **Fiesta FM**

Fiesta FM will be a service for Hispanic people living in Southampton, primarily those with Latin American, Spanish or Portuguese heritage. These communities are not the focus of any existing radio services, and thus Ofcom was of the view that Fiesta FM would clearly broaden choice (1c), particularly in light of its intention to provide programming in target community languages. Ofcom considered that the applicant would provide social gain for its target community through its proposals to encourage social inclusion, to act as a platform for social welfare campaigns, and to offer training to volunteers (1e).

### **Winchester Radio**

Winchester Radio will be for people aged over 50 in Winchester and the surrounding area. Ofcom noted the considerable experience of the applicant group members in both hospital radio and fund raising, which Ofcom considered would help enable Winchester Radio to maintain its proposed service (1a). Ofcom considered that the programming proposals would address the specific needs and interests of the target community (1b), and set the service apart from others available in the area (1c). The applicant group demonstrated broad support for the service (1d). In Ofcom's view, the group's already established community links would enable the station to reach underserved members of the community, and promote healthy living (1e). Ofcom noted the applicant group's work with different organisations in the community, and its plans to provide access and training to community members (1g).

### **Wey Valley Radio**

Wey Valley Radio will be a service for people living in the town of Alton, Hampshire and the surrounding villages. Ofcom was satisfied that the radio broadcasting experience of members of the applicant group, and the low cost business plan set out in the application,

would help the service in this rural area to be maintained (1a). Ofcom considered that the very local focus of the service would ensure that it broadens choice in the area (1c). Training opportunities will be on offer to the local community, and in this regard Ofcom noted that members of the group have relevant experience in radio training (1g).

### 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\\_Engl\\_and\\_June\\_15.pdf](http://licensing.ofcom.org.uk/binaries/radio/community/thirdround/Invitation_for_south_east_Engl_and_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 Director, Broadcast Licensing and Ofcom's Director, Standards and Audience Protection). 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 Director of Content Standards, Licensing and Enforcement, and Ofcom's Director, Broadcast Licensing.

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