

Providing a service in accordance with ‘Key Commitments’, Radio West Suffolk Limited

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	RWS FM 103.3
Date & time	26 September to 2 October 2022
Category	Key Commitments
Summary	The Licensee failed to fulfil the requirements specified in its Key Commitments to provide a minimum of 7 hours of original output per day. Breaches of Licence Conditions 2(1) and 2(4).

Introduction

RWS FM 103.3 is a community radio station focused on serving the people in Bury St. Edmunds. The licence for RWS FM 103.3 is held by Radio West Suffolk Limited (“RWS FM” or “the Licensee”).

Like all other community radio stations, Radio West Suffolk Limited is required to deliver ‘[Key Commitments](http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000189.pdf)’ (<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000189.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 relating to its character of service, original output and accountability to its target community. In order to assess the complaint, Ofcom requested recordings of the Licensee’s broadcast output from 26 September to 2 October 2022 as well as a schedule of programmes broadcast for the week commencing 26 September and an explanation of how RWS FM was meeting its obligations under its Key Commitments.

Having reviewed the recordings, associated programme schedule and written response from the Licensee, we were satisfied that RWS FM was accountable to its target community. However, we

found that there were no specific programmes in the content monitored addressing social issues in the town of Bury St Edmunds and there was a shortfall in original output for the week monitored.

It therefore appeared that RWS FM was not delivering the following Key Commitments:

- “RWS FM is a service for the people of Bury St Edmunds. It broadcasts programmes by the community, for the community. The station provides programming relevant to the people living in the area, such as programmes addressing the social issues arising in the town” (description of the character of service).
- “The service provides original output for a minimum of seven 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 the Licensee on how it was complying with the above conditions.

Response

Character of service

RWS FM stated that it is the only local radio station serving purely the people of Bury St Edmunds and the surrounding areas. It said that it does not take any syndicated shows and all programming comes from its studios based in Bury St Edmunds. Specifically regarding programmes addressing the social issues arising in the town, the Licensee set out that:

- It has a "team of local journalists and presenters who are dedicated to covering local news and events".
- It broadcasts a weekly magazine show during which local businesses, charities, community organisations and individuals are interviewed about their initiatives, events and issues within the local community.
- It broadcasts its 'Rock Show' on Friday evenings which includes new local bands and a sports show on Saturdays covering local sporting events as well as sports previews and results for the midweek news bulletin.
- Its output includes “special broadcasts around events in the town” such as the Christmas lights switch on, and supports “other key events in the town such as independent businesses week, mental health awareness week”.
- Its breakfast show regularly features a clinical psychologist who facilitates mental health discussions.

In response to the Preliminary View, RWS FM disagreed that it was not addressing the social issues arising in the town and stated that its listeners, local businesses and the town mayor could not name a

social issue that the Licensee “hasn’t covered since July 2015”. It also provided a list of news stories it has covered in its news bulletins since 2015, which “amounts to almost 13,000 local social issues relevant to [its listeners]”.

Original output

The Licensee stated that it is “committed to providing... listeners with high-quality, diverse, and engaging programming that is reflective of the local community [it serves]”. RWS FM referred to an email it had sent to Ofcom on 16 June 2022, explaining that it was having difficulty meeting its original output requirement due to staff illness and that it had been unable to recruit new presenters “for a period of time” due to the Coronavirus pandemic. It said that the email also highlighted its desire to review its Key Commitments.

Following receipt of the Preliminary View, RWS FM stated that “it was clear the radio station fell short of its key commitment to provide programmes of a minimum 7 hours per day during this period”. It stated that it intends to submit a Key Commitment change request following the conclusion of the investigation.

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

During the period monitored, we noted that RWS FM was recognisably serving the people of Bury St Edmunds and the surrounding areas. There were no specific programmes addressing the social issues arising in the town but social issues did feature in daily local news bulletins and during some programmes. We appreciate that the absence of some volunteers during the week monitored may have also impacted the Licensee’s ability to broadcast programmes addressing the social issues arising in the town. We therefore consider this matter resolved.

Original output

During the period monitored, we found that the Licensee failed to broadcast the required seven hours of original output per day on 29 September and 2 October, providing five and six hours respectively.

We acknowledge that RWS FM broadcast at least 61 hours of original output during the week monitored and over delivered on its daily requirement on four of the days monitored. The requirement in its Key Commitments is to broadcast seven hours of original output “per day”, which cannot be averaged out across the week. We have previously approved Key Commitment change requests in which licensees applied to maintain their commitment to original output, but across each week rather than per day, i.e. from “seven hours per day” to “49 hours per week”. This provides licensees with greater flexibility, whilst providing the same degree of original output (and corresponding social gain) across each week.

We recognise that the Licensee attributed the Coronavirus pandemic as a factor in its failure to meet its Key Commitment on original output because staff have been unwell and it had difficulties in recruiting new volunteers due to the pandemic. We acknowledge that RWS FM informed Ofcom in June 2022 about these issues, but it had not informed Ofcom that it was still facing problems meeting

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its Key Commitments three months later, nor had it submitted a request to reduce the original output requirement or request that the commitments are measured across a one-week period. We expect licensees to keep us informed of any ongoing issues as early as practical, especially if the issue that a licensee is experiencing is impacting its ability to meet its Key Commitments, and it is a licensee's responsibility to keep Ofcom updated if an issue continues. The frequency and timing of this communication from licensees depends on the nature of the issue that is being reported.

We therefore consider that RWS FM is not complying with its Key Commitments by broadcasting less than the required seven hours of original output per day during the period monitored.

Conclusion

Ofcom's Decision is that RWS FM 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 seven hours per day.

We expect the Licensee to work to rectify this immediately.

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