

## Providing a service in accordance with ‘Key Commitments’, Dorset Community Radio Ltd

**Type of case** Broadcast Licence Conditions

**Outcome** In Breach

**Service** Hot Radio

**Date & time** 17 to 23 April 2023

**Category** Key Commitments

**Summary** The Licensee failed to fulfil the requirements specified in its Key Commitments to maintain its character of service, to deliver specialist music output on evenings and weekends and to deliver the specified speech output.

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

### Introduction

Hot Radio is a community radio station based in Poole. The licence is held by Dorset Community Radio Ltd (“Hot Radio” or “the Licensee”).

Like other community radio stations, Hot Radio is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000120.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000120.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 programme service.

Ofcom received a complaint about the Licensee’s compliance with its Key Commitments, in particular its character of service, the types of music and speech broadcast, original output, its social gain objectives, and its accountability to its target community. Ofcom therefore requested recordings of the output of the service for the week beginning 17 April 2023.

Having assessed the recordings, associated programme schedule and information from the Licensee, we found that Hot Radio was meeting its original output requirement, its social gain objectives and was accountable to its target community. However, it appeared that the Licensee was not delivering the following aspects of its Key Commitments:

- Hot Radio is for the people of Poole. It promotes a better understanding of Poole across the community and strengthens links between all groups of local people. The station provides a forum for debate on issues which affect Poole and its residents. Its programming includes local news and information, and a diverse range of specialist music programmes. (Description of character of service)
- Music. The main types of music broadcast over the course of each week are: pop music during daytime and specialist music programmes during evenings and weekends.
- Speech. The main types of speech output broadcast over the course of each week are: news bulletins, discussions, public service announcements and local information.

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” and

“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**

### **Speech**

Hot Radio stated that it believes it met its speech requirement during the week monitored. Hot Radio said that during the week monitored it “deliver[ed] everyday 5 x 60 second bulletins talking about the different community and Charity events taking place in the local area. On top of that [it] also delivered 5 x 60 seconds daily updates of different events taking place in the area”. The Licensee has also stated “Poole doesn’t have a newspaper itself it is covered by Bournemouth Echo and again this is a crossover of areas that could be perceived to be [the service] not focusing on Poole only”. Hot Radio added that it broadcast local weather and extensive travel updates relating to local road closures and that it also signposts listeners to its website for local news.

Hot Radio acknowledged that this could be an area for it to “improve on” so it does not “rely on delivering what [it] believe[s] is the minimum requirement”. Hot Radio also set out its future plans to deliver a news bulletin to its breakfast and drive time shows from 10 July 2023 called “From Poole” which will be delivered by student journalists.

## Music

The Licensee stated that it delivers a “wide range of pop music” and usually delivers specialist music on Monday and Friday evenings. Hot Radio stated that it believes the requirement in its licence to broadcast specialist music programming is “extremely ambiguous as it doesn't dictate how many evenings” such programming should be broadcast. Therefore, the Licensee said it has interpreted this requirement to relate to the delivery of specialist music on a minimum of two weeknights per week. Hot Radio also stated that it classes its weekend programming as ‘specialist’ due to letting presenters “control” their show playlists. The Licensee argued that this “has to be classed as specialist as no two shows would ever be the same and dependant on the presenter the playlist could be leaning towards urban one week to soul the next week or the 90's the noughties etc”.

Hot Radio acknowledged that it had scaled back its specialist music offering to what it “believed was the minimum requirement”. The Licensee also stated it had requested a change to its Key Commitments, which at the time of complaint, was still under review by Ofcom. The Licensee was concerned that there had been a delay in Ofcom assessing its request, but admitted that “in hindsight” it should not have changed its output before receiving confirmation from Ofcom that its request had been approved.

The Licensee referred to its specialist music show, “Hot Hairbrush Anthems” which it described as being “based on dance floor club classics from the 90s and noughties”. On the week monitored, Hot Radio said that it did not broadcast its “Hot Hairbrush Anthems” show on Friday evening due to presenter illness nor did it broadcast some of its weekend music programming due to presenters being on holiday as well as presenter illness. The Licensee argued that it would be “unfair” to judge its output based on these absences because its presenters are “volunteers and not paid staff”.

Hot Radio stated it has subsequently added more specialist music into its schedule, which “includes a diverse range including Rock, Soul, jazz funk as well as dance music genres”. It explained that this would also ensure it can fulfil this Key Commitment when presenters are absent.

In response to the Preliminary View, Hot Radio highlighted that it has mechanisms in place to manage volunteer absence but explained that because they are volunteers there is sometimes no-one available to cover an absence even though it has over 100 volunteers.

## Character of service

Hot Radio said that it “prides itself” in engaging with the local community and its volunteers.

The Licensee explained that it has studios in Poole which are open to the public, and promotes Poole to the wider Bournemouth, Christchurch and Poole (“BCP”) area to encourage visitors to Poole. The Licensee set out that Poole is now part of BCP Council, and the service has “many cross over areas” and has “become extremely popular with the listeners outside of Poole (BCP Area)”. The Licensee further stated that it believes it provides “for the people of Poole but also by default provide[s] for Bournemouth and Christchurch”.

Hot Radio set out that it delivers community information and event promotion free of charge and that it engages with its target community in its speech content.

The Licensee also set out that it is involved in over 20 community events over the summer, including events in Poole at Sandbanks beach and the Poole Harbour Festival.

## 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.

## Speech

The speech content present during the week monitored mainly consisted of traffic updates, job vacancy advertisements, 'what's-on' information, 'feel-good' news, weather forecasts and interviews with musicians.

The Licensee explained that it directs listeners to its website to access local news stories. This does not meet Hot Radio's Key Commitment to broadcast "news bulletins" as part of the main types of speech output because there are no bulletins broadcast on the licensed service. In addition, Ofcom does not consider the content the Licensee referred to solely promoting community and charity events or its weather and travel updates to constitute news.

Ofcom acknowledges steps taken by the Licensee to broadcast more localised news programming with the creation of a news bulletin in its breakfast and drivetime shows from 10 July 2023. Ofcom also acknowledges that this programming change will allow student volunteers the opportunity to contribute to content broadcast by the Licensee. Nevertheless, we consider that the Licensee did not meet the speech requirements in its Key Commitments during the week monitored because it did not broadcast any news bulletins.

## Music

Between 17 and 23 April 2023, Ofcom found that Hot Radio predominately broadcast pop music. While this is consistent with the Licensee's Key Commitments during the daytime, Hot Radio's music requirement sets out that it must provide "specialist music programmes during evenings and weekends". During the week monitored, Ofcom found that the only specialist music broadcast on a weekday evening was "Black on Track" between 21:00 and 23:00 on Monday 17 April 2023.

Ofcom acknowledges the impact of presenter illness on the Licensee's schedule, preventing it from broadcasting "Hot Hairbrush Anthems" on Friday evening. However, it is the responsibility of the Licensee to ensure it is meeting its Key Commitments and have contingency plans in place to manage the absence of volunteers. In this case, the Licensee may have been able to broadcast automated specialist music without the need for a volunteer to be able to present the programme to ensure that it was able to offer a more diverse range of specialist music during the week in question.

We note the Licensee's comments that its weekend programming is 'specialist' because the presenters have control of what music is broadcast. However, the music heard during the weekend was pop music and no specialist music was broadcast.

Even if all scheduled programmes had been broadcast, the Licensee would still have fallen short of its Key Commitment to broadcast specialist music during evenings because no specialist music was scheduled on the evenings of Tuesday 18 April, Wednesday 19 April or Thursday 20 April or during the

weekend that followed. The Licensee argued that the requirement in its Key Commitments is ambiguous because it does not specify how many weekday evenings specialist music should be broadcast. However, Ofcom notes that the character of service requires the Licensee to broadcast “a diverse range of specialist music programmes” and the music requirement specifying the broadcast of specialist music during evenings and weekends as opposed to pop music on weekdays flows from that. Therefore, we consider that broadcasting two specialist shows per week is not providing a diverse range of specialist music programmes and therefore could not be considered to meet the specific requirement to broadcast specialist music on evenings and weekends.

We acknowledge that the Licensee has submitted a change to its Key Commitment request to amend its music requirement. We would like to remind licensees that such a request must be approved by Ofcom before a licensee makes any changes to its output.

### Character of service

Hot Radio’s character of service states that it “is for the people of Poole. It promotes a better understanding of Poole across the community and strengthens links between all groups of local people”. Ofcom’s assessment of the recordings provided by the Licensee found that there was insufficient content to distinguish the service from a service targeting the wider Bournemouth, Christchurch and Poole (“BCP”) area. Ofcom accepts that content referring to the wider local area is of interest to residents of Poole. However, the licensed coverage area is that of Poole. Further, the character of service specifies that the content should “promote a better understanding of Poole across the community” and Ofcom is concerned that the content broadcast in the week monitored did not achieve this because there was insufficient content specifically about Poole.

We acknowledge that the Licensee will be promoting and/or attending events in the near future, which are taking place in Poole, and has engaged with its target community.

Hot Radio’s character of service also states that its programming must include “a diverse range of specialist music programmes”. As detailed above, Ofcom considered that by broadcasting one specialist music programme in the week monitored the Licensee failed to comply with this aspect of its character of service.

Due to insufficient content broadcast specifically about Poole and the lack of a diverse range of specialist music programmes, Ofcom is not satisfied that the Licensee met its character of service for the week monitored.

### Conclusion

Ofcom’s Decision is therefore that Dorset Community Radio Ltd. is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitments:

- Hot Radio is for the people of Poole. It promotes a better understanding of Poole across the community and strengthens links between all groups of local people. The station provides a forum for debate on issues which affect Poole and its residents. Its programming includes local news and information, and a diverse range of specialist music programmes. (Description of character of service)
- Music. The main types of music broadcast over the course of each week are: pop music during daytime and specialist music programmes during evenings and weekends.

- Speech. The main types of speech output broadcast over the course of each week are: news bulletins, discussions, public service announcements and local information.

We expect the Licensee to work to rectify these issues immediately. Ofcom will monitor this service to ensure that the Licensee is complying with its Key Commitments.

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