



Providing a service in accordance with Key Commitments, Susy Radio Limited

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| Type of case | Broadcast Licence Conditions |
| Outcome | Resolved |
| Service | Susy Radio |
| Date & time | 30 September 2022 to 17 January 2024 |
| Category | Key Commitments |
| Summary | The Licensee failed to have a studio located within the licensed coverage area but has now occupied a new studio premises. Resolved. |

Introduction

Susy Radio is a community radio station for the people of Reigate and Redhill. The licence for Susy Radio is held by Susy Radio Limited (“Susy Radio” or “the Licensee”).

Like all other community radio stations, Susy Radio is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000223.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000223.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. The Key Commitments also specify that the studio must be located within the licensed coverage area.

Susy Radio proactively informed Ofcom in August 2022 that it would have to vacate its studio in September 2022, and had not been able to find alternative premises. It set out that finding a new premises would probably take around six months and provided monthly updates to Ofcom on its progress.

Ofcom received a complaint about the Licensee’s compliance with its Key Commitments in May 2023. The complaint stated that the service had no studio, was not providing the required amount of

original output and was also not meeting the requirement that members of the target community contribute to the operation and management of the service. It also stated that there was no training being provided and there were no mechanisms in place to ensure Susy Radio is accountable to its target community.

Ofcom therefore requested recordings for the week 15 to 21 May 2023, as well as a programme schedule and information about how the Licensee was meeting its Key Commitments.

Having reviewed the material Susy Radio had provided to assist us in our assessment, we were satisfied that Susy Radio was providing sufficient original output, that members of the target could contribute to the operation and management of the service, that training was being provided and there were mechanisms in place to ensure that Susy Radio is accountable to its target community. However, we were concerned that Susy Radio did not have a studio located within the licensed coverage area and it therefore appeared that Susy Radio was not delivering the following aspect of its Key Commitments:

- “The studio is located within the licensed coverage area”.

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

Susy Radio set out that it advised Ofcom “at the earliest opportunity” that its landlord would not be renewing its lease and it would need to vacate the premises on 30 September 2022. In this communication, it set out that it had identified a new premises in May 2022 and had been in negotiations about this, but that this was no longer certain and it was pursuing this alongside seeking alternative options. The Licensee proposed that it would use home studios and a virtual studio in the cloud to continue broadcasting, and that the situation “would probably last around six months give or take”. The Licensee highlighted that it had informed Ofcom of its lack of studio in advance, been open about its situation and sought advice from Ofcom about how to proceed.

The Licensee stated that it appreciated the support it had received from Ofcom during this difficult period. It submitted that “many premises remain unoccupied but not available to rent or at considerably higher rent than can be afforded” and that the Borough and County Councils were not always able to provide assistance. Susy Radio expressed its strong desire to find a new studio to “have a visible presence, where [it] can continue to invite members of the community, business and charitable organisations to come for the purposes of interviews, education and training”. It explained that it has applied for grants but has not been successful. It set out that it has had discussions with local councillors and with local groups regarding premises. Susy Radio reiterated

that it was not happy with its lack of studio and wished to return to a studio environment as soon as possible.

The Licensee reported that since August 2022 it has considered a number of premises in different locations within its coverage area and set out what had limited its ability to move forward with these options. It set out that it had looked at premises in Godstone, Horley, Reigate, Crawley, Redhill and Salford but that these were unsuitable or unavailable for a variety of reasons, including:

- an owner of one premises would not allow conversion of the building to be used as a studio;
- there were issues with permission from the Borough or County Council;
- electrical work was yet to be completed with no estimated date of completion;
- the nature of the building meant there was a need for construction work (particularly the case for farm buildings);
- the host company was relocating and no longer able to offer space;
- the cost to insulate, heat and create a studio would be prohibitive; and/or
- commercial properties were not financially viable due to the high cost of rent and other outgoings.

In November 2023, following discussions with the Reigate and Banstead Borough Council, Susy Radio reported that it had been offered a studio location in the council offices and signed a contract accepting this in December. The Licensee explained that it occupied the new studio from 17 January 2024, after security protocols were put in place following the closure of the Town Hall over the Christmas period.

Susy Radio said that it has maintained its output relating to its coverage area while continuing to search for a new studio. The Licensee explained that to maintain a physical presence in the community, it attends as many outside events as it can to build knowledge in the community and to interview people and groups. It also set out that its news reporters “may go out to cover a local story” but because they are volunteers who also have other employment this is not always possible, but it still seeks “quotes or media” to use in its bulletins.

Preliminary View

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.

The Key Commitments for all community radio services include the obligation that the service’s studio “is located within the licensed coverage area”. This requirement is to ensure that a service fulfils the requirement to provide access and participation. Although we acknowledge that on-air contributions can be made by members of the target community from home, not having a studio can create difficulties in the delivery of social gain through training and the involvement of the target community in the operation of the service because there is no main location at which the target community can engage with the service.

In this case, we found that Susy Radio provided the required amount of original output during the week monitored. We also found that the Licensee had been able to provide training online and was using a mobile studio when available at outside events, which we considered was sufficient to meet its training requirement. Regarding the requirement that members of the target community contribute to the operation and management of the service, recruitment of volunteers has continued since September 2022 with two of these new volunteers now broadcasting on a regular basis. Regarding the accountability requirement, the target community can get in touch with the service about output and its direction, and updates are provided to volunteers by the board. Volunteers can also become part of the management of the service.

While we are satisfied that Susy Radio has been able to meet these aspects of its Key Commitments in the absence of a studio, we would not be satisfied with some of these measures if they were to continue indefinitely. This is particularly because the absence of a studio means there is no main location to provide training or for volunteers to get involved in the station, and some members of the community do not have the technology in their homes to engage with the station remotely. We recognise that Susy Radio also understands the importance and benefit of having a studio, and recognise the effort that it has made in its search for a new premises.

Over a year is a significant period of time to be without a studio, which is a requirement of the Key Commitments. We appreciate Susy Radio's regular updates on its progress with both finding a new studio and continuing to meet its Key Commitments, and welcome the fact that it is now occupying its new studio premises.

Given the steps that the Licensee took to find its new studio and the fact that it now has a studio located within the licensed coverage area, we consider this matter resolved.

Resolved