



## Providing a service in accordance with 'Key Commitments', HAYES FM – FILM & MEDIA

<b>Type of case</b>	Broadcast Licence Conditions
<b>Outcome</b>	In Breach
<b>Service</b>	Hayes FM
<b>Date &amp; time</b>	11 to 17 March 2024
<b>Category</b>	Key Commitments
<b>Summary</b>	The Licensee failed to fulfil the requirements specified in its Key Commitments to deliver the minimum number of hours of original and locally-produced output. Breaches of Licence Conditions 2(1) and 2(4).

### Introduction

Hayes FM is a community radio service for people in Hayes and Harlington. The licence for Hayes FM is held by HAYES FM – FILM & MEDIA (“Hayes FM” or “the Licensee”).

Like other community radio stations, Hayes FM is required to deliver ‘[Key Commitments](http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000073.pdf)’ (<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000073.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. In order to assess the complaint, Ofcom requested recordings of the output of the service between 11 March and 17 March 2024, as well as a programme schedule for the same week and an explanation of how the Licensee was meeting its requirements under its Key Commitments.

Having assessed the recordings, associated programme schedule, music logs and written response from the Licensee, it appeared that HAYES FM – FILM & MEDIA was not delivering the following Key Commitments:

- The service provides original output for a minimum of eight hours per day.

- The service provides locally-produced output for a minimum of 13 hours per day.
- The service has mechanisms in place to ensure it is accountable to its target community.

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to the Licence. 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): “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”.

Ofcom requested comments from the Licensee on how it was complying with the above conditions.

## Response

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### Original and locally-produced output

Hayes FM acknowledged that neither the original nor locally-produced output requirement has been met recently. The Licensee explained that this is, at least partly, due to facing “a reduction in volunteers following [the Coronavirus pandemic and then] delays in getting all of the volunteers checked with the DBS agency”. It set out that its current studio is on school grounds meaning a DBS check is a pre-requisite for volunteering.<sup>1</sup>

The Licensee said that it is currently in the process of seeking out a new studio after its agreement with a local school to use their facilities has come to an end. Hayes FM stressed this as a primary reason for its lack of original and locally-produced output and explained that its “energies have been and are focussed on finding alternative premises to set up a new studio to broadcast from”.

The Licensee explained that when it was notified of the complaint, it met with its volunteers to “go through the programming and key commitments” and admitted that it became apparent that there was a lack of clarity on the definitions of original output and locally produced output.

As a result of the complaint and the subsequent meeting with volunteers, Hayes FM has stated that it is working to increase its “volunteer time and will be producing more programmes, pre-recorded and voice tracked programming” with the aim of meeting its original and locally-produced output commitments in future. The Licensee said that its existing volunteers are extremely committed, but the lack of facilities and the impact of the Coronavirus pandemic has made it difficult to “introduce them fully to the work of the station” or train them.

In response to our Preliminary View, the Licensee highlighted steps it has taken and is taking to rectify and improve its production of both original and locally produced output. These include working with existing volunteers in creating a basic training package to train new volunteers in programme production. This package would be used alongside mentoring and support allowing new volunteers to “speedily get on air”.

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<sup>1</sup> DBS stands for Disclosure and Barring Service. The checks are a way for organisations to check whether an potential employee or volunteer has a criminal record.

## Accountability to target community

Hayes FM explained that it has “two volunteers that monitor emails, correspondence and messaging with the aim of responding by email within a limited period of usually a fortnight”. In addition, it explained that board members monitor and respond to any formal correspondence.

As for wider engagement within the community, the Licensee highlighted that it attends various local community meetings and conferences, and has a "planned approach [to] engagement with the numerous organisations to reflect the cultural diversity of the area". It stressed how the lack of access to studio premises has impeded its ability to do so, but state that its community meetings are now running despite this. The target groups the Licensee interacts with are determined by the “volunteers’ discussions based upon local knowledge”.

The Licensee added that it has met and is intending to meet local community groups and has timetabled a local community conference. Furthermore, it has reengaged with educational institutions which it has had working relationships with in the past, including “Brunel University and Uxbridge Further Education College Hayes Campus”.

Hayes FM explained how it will use its local community newsletter, Hayes Town News, to “explain the role of Hayes FM and to advertise for volunteers”. Further, the Licensee has redesigned its website “to facilitate greater communication with local people and target populations”. It further explained that they “will be using social media for update news on Hayes FM’s progress, to consult on programming and activities and to promote wider engagement”.

## Decision

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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.

### Original and locally-produced output

As per its Key Commitments, Hayes FM is required to provide a minimum of eight hours of original output and a minimum of 13 hours of locally-produced output per day. Ofcom’s assessment of the recordings found these requirements to not be met consistently, or at all, during the week monitored.

In terms of original output, the station met the stated eight hours only on the Friday of the week in question. Hayes FM broadcast three hours of original output on the Monday, two hours on both Tuesday and Wednesday, seven hours on Saturday and four hours on Sunday. Of particular concern was Thursday when no original output was broadcast.

Locally-produced output was overall closer on the average to its required output, but the stated minimum was still not achieved on any of the days of the week. Hayes FM broadcast ten hours of locally-produced output on both the Monday and Saturday, nine on both Tuesday and Thursday, six on Wednesday and 12 on both Friday and Sunday.

We appreciate that the Licensee has faced issues with the use of its premises and a reduction in volunteers. However, it is the responsibility of the Licensee to ensure it has contingency plans in place to manage the absence of volunteers. In addition, the Licensee did not inform Ofcom of its difficulties prior to Ofcom requesting recordings of its output.

It is the Licensee's responsibility to understand and meet the original and locally-produced output requirements in its Key Commitments, and our Decision is that the Licensee did not meet either of its original or locally-produced output requirements during the week monitored.

### Accountability to target community

As for having mechanisms in place to ensure it is accountable to its target community, the recordings monitored included information asking for listeners, and therefore the target community, to engage and get in contact via several channels, including by phone, website, and WhatsApp. We also recognise that the Licensee has volunteers and, in some cases, board members monitoring its correspondence.

Based on the Licensee's response, we are satisfied that it is meeting its commitment to being accountable to its target community.

### Conclusion

Ofcom's Decision is therefore that Hayes FM is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitments:

- The service provides original output for a minimum of eight hours per day.
- The service provides locally-produced output for a minimum of 13 hours per day.

We expect the Licensee to work to rectify these issues immediately.

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