



## Providing a service in accordance with ‘Key Commitments’, Big City Radio CIC

<b>Type of case</b>	Broadcast Licence Conditions
<b>Decision</b>	In Breach
<b>Service</b>	BRMB
<b>Date &amp; time</b>	19 to 25 August 2024
<b>Category</b>	Key Commitments
<b>Summary</b>	The Licensee failed to maintain its character of service as specified in its Key Commitments. Breaches of Conditions 2(1) and 2(4).

### Introduction

BRMB is a community radio station for people in Aston and particularly the area’s ethnic communities. The licence for BRMB is held by Big City Radio CIC (“Big City” or “the Licensee”).

Like all other community radio stations, Big City Radio CIC is required to deliver ‘[Key Commitments](#)’, 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 19 to 25 August 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 and written response from the Licensee, it appeared that Big City Radio CIC was not delivering the following Key Commitments:

- Character of service: “BRMB serves all the communities of Aston with a particular focus on the area’s ethnic communities. The service comprises music and information aimed at, and likely to appeal to, the target community groups in the licensed area”.
- “The service provides a range of community benefits (social gain objectives mandated by statute) for the target community, both on-air and off-air, and in doing so, achieves the following objectives: ...
  - the better understanding of the particular community and the strengthening of links within it”.
- “Members of the target community contribute to the operation and management of the service”.

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Big City Radio CIC’s 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): “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”.

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

## Response

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Big City said that its coverage area is made up of a mix of nationalities, including “British White”. The Licensee stated that “judging by the local inhabitants that use South Aston Community Association’s facilities, the common language is English”.<sup>1</sup> Due to this, Big City explained that it broadcasts in English only and has always done so. By broadcasting in English only, the Licensee stated that it will not be seen by local listeners and its Board to “favour one particular nationality”. The Licensee set out that programmes broadcast on BRMB are “designed to be relevant to all the communities in the area”.

Big City said that it had “broadened” its music policy and received “many complementary emails about the music” broadcast on the station. The Licensee stated that it does offer “a different style of music online” and is looking to broadcast on DAB when it has the funds. The Licensee set out “that the music appeals to the residents in [its] area”. The Licensee stated it now has a “Soul, RnB and Calypso music show” which is “hosted by a presenter who used to work on radio in Ghana”. The Licensee stated that this presenter wished to broadcast in English and his show is on twice a week on Friday and Sunday nights. Big City stated that it requests input from the community but does not receive responses, except from the Council who it is already working with. Most recently it stated that it has reached out to the local community for input and has received one reply so far. The Licensee set out that its speech output covers football results, local news, traffic bulletins and weather forecasts. It said it broadcasts regular updates on events taking place in Aston. It is also

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<sup>1</sup> The Licensee works with the South Aston Community Association which is based in the same building.

undertaking discussions with the City Council to see if it can provide the Licensee with an avenue to broadcast information relevant to the target community. It added that it will advertise events that “only a minority would be interested in” on its website. The Licensee considered that it was complying with its Key Commitments in terms of speech content. Big City outlined some of its off-air social gain initiatives including working with “sports teams, a ... multi purpose games unit, an infant school, an English teaching school, a gardening project, a cafe as well as other projects”. It explained that it has also worked with the local police and as a result “[its] projects have helped towards a reduction in crime, in the area”. The Licensee also stated that it has attended many local events and has a City Council advice unit for the local community based in its building. Big City stated that it would conduct a survey in the area to identify areas for improvement.

The Licensee stated that it currently has one presenter from Aston who presents a show on Friday evenings, however it has had previously had more presenters from the local area. Big City explained that it has “volunteers shadowing on the shows who also broadcast on Big City Radio” (an online service). In addition to this, the Licensee stated that eight individuals from the target community are involved in the management and operation of the service, with six of these individuals being from non-White ethnic communities.

Big City also explained that, at the time Ofcom requested information in September 2024, it was not accepting volunteers as “there is a limit to how many [it] can have at any one time”. However, in direct contradiction to this, the Licensee also stated that it “always take[s] volunteers”.

The Licensee said that it will be submitting a request to Ofcom to change its Key Commitments, specifically its music requirement which states: “The music broadcast over the course of each week will be a mixture of music that appeals to all residents within the Aston area”.<sup>2</sup>

Regarding its compliance history the Licensee commented that it did not have control of the station when the first two breaches were recorded. It felt that it is unfair to include the first two breaches within the decision as it undermines the work of the current management team.

## 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.

BRMB’s character of service states that it “serves all the communities of Aston with a particular focus on the area’s ethnic communities. The service comprises music and information aimed at, and likely to appeal to, the target community groups in the licensed area”.

In addition, all community radio services are required by their Key Commitments to provide a range of community benefits (social gain objectives mandated by statute) for the target community, both on-air and off-air, to achieve various objectives, including facilitating the better understanding of the particular community the service targets and the strengthening of links within it.

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<sup>2</sup> Since the Licensee informed Ofcom that it is intending to submit a request to change its music commitment. Ofcom has published its statement, [Community Radio: future approach to Key Commitments](#) stating that Ofcom will be removing the vast majority of Key Commitments quotas from analogue community radio licences including, as is relevant to this case, those commitments on the types of programming to be broadcast, including the main types of music and speech output.

The [2021 UK census data](#) indicates that Aston's population is diverse and includes people who identify as White, Asian, Asian British, Asian Welsh, Black, Black British, Black Welsh, Caribbean or African, and of mixed or multiple ethnic groups, with 4.1% from other ethnic groups not named in the census data. In the context of BRMB's character of service, the term "ethnic communities" is used to refer to the non-White population of Aston. Therefore, in accordance with the station's character of service, its output should serve all the communities of Aston with a "particular focus" on its non-White population.

In its response to Ofcom's request for comments on how it was meeting its Key Commitments, Big City explained that one of its off-air social gain activities is "an English teaching school" which indicates that there are people in the local area for whom English is not their first language. This appears to contradict the Licensee's assertion in its response that "judging by the local inhabitants that use South Aston Community Association's facilities, the common language is English". As the Licensee has stated that there are people living in Aston for whom English is a second language, Ofcom would expect the station to broadcast music and information to appeal to them, and in a language accessible to them, in order to comply with both its character of service and its on-air social gain commitment.

During our monitoring, the station broadcast a variety of music such as rock and roll, soul, music from the 1970s, 80s and 90s as well as modern chart songs. While these music genres may appeal to all ethnic communities, Ofcom would also expect the station to also broadcast music from genres associated with the cultural background of Aston's non-White communities in order to comply with the station's character of service. Ofcom considered that there was insufficient music content of appeal to these communities. The Licensee informed Ofcom that it broadcast a variety of music appealing to ethnic communities on its online service. Ofcom does not license online services therefore this information cannot be taken into consideration, however Ofcom noted that the station has taken a step to align its analogue music output with its character of service by introducing a show which focuses on "Soul, RnB and Calypso music"

The Licensee said that it will be submitting a request to Ofcom to change its music Key Commitment which states: "The music broadcast over the course of each week will be a mixture of music that appeals to all residents within the Aston area". The Licensee has not yet submitted such a request. However, it is worth noting that on 13 November 2024 Ofcom published its statement, [Community Radio: future approach to Key Commitments](#), stating that we will be removing the vast majority of Key Commitments quotas from analogue community radio licences including, as is relevant to this case, those commitments on the types of programming to be broadcast, e.g. the main types of music and speech output and the languages broadcast on services. If Big City chose to submit a request to change its music commitment prior to Ofcom removing this specific commitment, any requested change would need to reflect BRMB's character of service which states that the music broadcast should have a particular focus on Aston's ethnic communities. It is therefore not clear to Ofcom in what way Big City could amend its music requirement which would be compatible with its character of service.

The information broadcast during the week monitored consisted of news (both international and local), travel information, weather forecasts, sport updates, community information and 'what's on' guides. The community events broadcast during the week monitored included Birmingham's Big Weekender and Gay Pride. We appreciate that all ethnic communities living in the area will have an interest in general news, community information related to Aston and the wider Birmingham area, and local travel and weather. However, in accordance with the character of service, we would also

expect specific information to be broadcast to meet the needs and interests of the non-White communities of Aston. Ofcom considered that there was insufficient information of appeal to these communities. However, Ofcom acknowledges the actions Big City has put in place such as asking local community groups for relevant information to broadcast, connecting with the City Council to find information relevant to the community and creating a survey to understand listener interests.

Ofcom acknowledges that the Licensee has eight volunteers contributing to the off-air operation and management of the service and that six of these volunteers are from non-White ethnic communities. Ofcom also appreciates that there may be a limit to the number of volunteers a station can accommodate at any one time. However, the Licensee stated that it has only one presenter from Aston who broadcasts a show on Friday evenings. As the station is specifically aimed at people who live in Aston with a focus on the ethnic communities in the area, Ofcom would expect more representation from both people who live in Aston, and people from a variety of ethnic communities on-air, not just off-air. Ofcom acknowledges that the station has hired a new presenter from a non-White background.

Ofcom acknowledges the off-air social gain initiatives the Licensee told us it has been involved in within its local community. Ofcom also acknowledges the steps the Licensee has taken during the investigation to make changes to its output and to increase its volunteer base. Ofcom notes that the Licensee is actively trying to source information aimed at the target community, and that it has introduced a new show to take a step towards meeting its music requirements. This is encouraging progress, however Ofcom felt the lack of broadcast music or information aimed at the Licensee's target community during the period monitored and the lack of volunteer presenters from the target community, impacted its ability to comply with its Key Commitment to facilitate the better understanding of its target community and the strengthening of links within it on-air.

Ofcom's Decision is that Big City Radio CIC is in breach of Licence Conditions 2(1) and 2(4) for failing to comply with the following Key Commitments:

- Character of Service: "BRMB serves all the communities of Aston with a particular focus on the area's ethnic communities. The service comprises music and information aimed at, and likely to appeal to, the target community groups in the licensed area".

Ofcom also took into account the Licensee's previous compliance history. Ofcom noted that the first two breaches were the responsibility of the previous management team at Big City but still felt it relevant to include them here to reflect the compliance history of the station. The stations compliance record does not clear when the management team changes, however new management teams do have the opportunity to bring the station back into compliance.

In [issue 282 of Ofcom's Broadcast Bulletin](#), published in June 2015, Ofcom found Big City in breach of Licence Condition 2(4) for failing to provide all of the types of programming set out in the speech requirement of its Key Commitments during 2013.

In [issue 354 of Ofcom's Broadcast and On Demand Bulletin](#), published in May 2018, the Licensee was found in breach of Licence Conditions 2(1) and 2(4) for failing to deliver against its locally-produced output and original output requirements.

In [issue 371 of Ofcom's Broadcast and On Demand Bulletin](#), published in January 2019, the Licensee was found in breach of Licence Conditions 2(1) and 2(4) for failing to deliver its speech and original output requirements and not providing content in accordance with its character of service, as there was no speech content which Ofcom considered was aimed at, or likely to appeal to, the Licensee's

target community groups. In addition, Licensee was also found in breach for failing to meet its Key Commitments in June 2015.

Given the serious and repeated nature of the breaches recorded between 2015 and 2019, in February 2020, [Ofcom imposed a statutory sanction](#) in the form of a financial penalty of £500 on the Licensee.

In [issue 473 of Ofcom's Broadcast and On Demand Bulletin](#), published in May 2023, the Licensee was found in breach of Licence Conditions 2(1) and (4), 8(1) and (2)(a) and (b) and 9(1) for failing to provide its speech and original output requirements and for failing to retain and produce recordings and information to Ofcom on request. Given the serious and repeated nature of the breaches of Licence Conditions 2(1), 2(4) and 9(1), Ofcom imposed a [statutory sanction in March 2024](#) in the form of a financial penalty of £1,200 on the Licensee.

We are therefore extremely concerned that despite a number of breaches being recorded against the Licensee and the imposition of two financial penalties, the Licensee is again failing to comply with its Key Commitments. While some of the previous breaches relate to different aspects of the Key Commitments, all of the previous breaches above and the current breaches demonstrate the Licensee's failure to comply with its Key Commitments and, as a result, Licence Conditions 2(1) and 2(4).

We acknowledge the steps Big City has started to take and we expect it to continue to work to rectify these issues immediately. Ofcom will monitor this service to ensure that the Licensee is complying with its Key Commitments, including its character of service.

**In our Preliminary View we stated that these breaches were serious and repeated and that this may meet the grounds for the consideration for the imposition of a statutory sanction. At this stage we have decided not to pursue a sanction because Big City has taken steps to come into compliance with its Key Commitments and we feel it would be counter intuitive to consider a sanction where the Licensee has already started to work to rectify these issues. However, if we find further breaches of these conditions we will be minded to reconsider the imposition of a sanction in the future.**

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