



Providing a service in accordance with ‘Key Commitments’, AIR FM CIC

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	AIR FM
Date & time	7 to 14 October 2024
Category	Key Commitments
Summary	The Licensee failed to fulfil the requirements specified in its Key Commitments to deliver specified forms of music and speech, original output, and to achieve the better understanding of the particular community and the strengthening of links within it (social gain). Breaches of Licence Conditions 2(1) and 2(4).

Introduction

AIR FM is a community radio station, based in Weymouth, Dorset. It aims to provide a service for young people under the age of 25, including those who are disadvantaged, challenged or living with learning difficulties and disabilities. The licence is held by AIR FM CIC (“AIR FM” or “the Licensee”).

Like all other community radio stations, AIR FM is required to deliver ‘[Key Commitments](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000243.pdf)’ (<https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000243.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. The complaint stated that AIR FM did not play any music from local artists, and did not regularly broadcast local speech, news, and information.

Ofcom requested recordings of the output of the service between 7 and 14 October 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 and information that the Licensee provided, it appeared that AIR FM was not delivering the following aspects of its Key Commitments:

- “AIR 107.2 is for young people up to the age of 25, including those who are disadvantaged, challenged or living with learning difficulties and disabilities. It broadcasts a blend of factual, speech-based programming and a variety of music. Pupils and students in local schools and colleges receive training, and participate in the production and presentation of programmes”.
- “Music. The main types of music broadcast over the course of each week are: contemporary hits from the last fifteen years; occasional older tracks and music from local artists”.
- “Speech. The main types of speech output broadcast over the course of each week are: local news, features on community events, interviews, information, and output produced and presented by people from the target community”.
- “The service provides original output for a minimum of 7 hours per weekday; 9 hours per day on weekends”.
- “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 facilitation of discussion and the expression of opinion,
 - the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
 - 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”.
- “The service has mechanisms in place to ensure it is accountable to its target community”.

On 13 November 2024, Ofcom published its statement, [Community Radio: future approach to Key Commitments](https://www.ofcom.org.uk/tv-radio-and-on-demand/community-radio/community-radio-future-approach-to-key-commitments) (https://www.ofcom.org.uk/tv-radio-and-on-demand/community-radio/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 original output commitments. Although Ofcom is still in the process of varying AIR FM’s Licence, in reaching this Decision we have taken into account that in the near future the Licensee will not be required to comply with the specific music, speech and original output aspects of its Key Commitments currently set out in its Licence.

We also considered that this case raised potential issues under Conditions 2(1) and 2(4) in Part 2 of AIR FM'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): "...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

AIR FM submitted that the "scope of AIR FM's audience has grown" and therefore, the "current commitments may no longer fully reflect the station's evolution". Because of this, AIR FM has submitted a request to Ofcom to change its Key Commitments to "better align [with its listeners] while maintaining [its] core mission to serve the target community". It set out that the station is now different to the one that originally applied for an Ofcom licence, in particular that it is no longer based at a local school and has listeners ranging from 16 to 65 years old. AIR FM explained that its reliance on advertising requires it to have a "substantial listener base" and it has limited ability to secure support whilst focusing on the 16 to 25 age group.

The Licensee noted that the station previously had "little to no programming or community involvement" and that the station manager has "re-engaged" previous volunteers and recruited new ones, reintroduced live broadcasting and expanded the programming. It explained that some volunteers had left the station, affecting its output during the period monitored, but it has recruited and trained new volunteers since.

Character of service

AIR FM explained that it caters to its young listeners through its music genres and caters to the wider audience through speech-based and factual programming.

The Licensee stated that six of its presenters were "within the target age range", stating that they "bring unique perspectives and musical insights to the station". It also stated that some of its presenters have mental health conditions and/or are neurodiverse and they "enrich [AIR FM's] programming with their connection to the [target] audience". AIR FM was concerned that "people with disabilities and learning differences are grouped together in a way that fails to acknowledge their individual needs and potential". It set out that it does not categorise individuals in this way and wants to treat them equally and not single them out.

In response to Ofcom's Preliminary View, the Licensee requested clarification on "specific expectations for speech content directed at individuals who are disadvantaged, challenged or living with learning difficulties and disabilities" and asked how Ofcom "objectively assess[es] whether [its] speech content sufficiently reflects [its] target audience". It maintained that its "existing programming does include relevant content for [its] audience".

Speech and original output

AIR FM stated that it provides local news and community content within several of its shows “demonstrating [its] commitment to factual and speech-based programming”. AIR FM said that it is “regularly out in the community creating interviews of local events and groups [that its target audience] will find interesting and informative”. AIR FM acknowledged that it did not identify any interviews broadcast during the week monitored but noted that its podcast includes interviews that have been broadcast, which are included at other times.

The Licensee explained that it has plans to introduce a specific local news show in the future, and asked if Ofcom expects “a minimum threshold of local news content” and questioned how other community radio stations have managed this.

The Licensee requested clarification from Ofcom about its speech requirements and how to balance its “compliance requirements” with its audience expectations of a music-led service, as it currently broadcasts links lasting up to two minutes with two or three songs between links.

AIR FM stated that all of its output is original.

Music

AIR FM explained that its aim is to play a balanced range of music types, with occasional tracks older than 15 years. The Licensee stated that, where music that is broadcast is more than 15 years old, it is chosen to “educate and inspire” listeners on “diverse music genres”. The Licensee acknowledged that these older songs are broadcast in hour long segments after 20:00 but argued that this was appropriate in meeting its aim to educate listeners by introducing them to “the influences of the artists that they love”. The Licensee added that older music is relevant to its listeners, as many older music tracks are chosen by presenters who fall within the age group of the target community.

AIR FM acknowledged Ofcom’s observations in the Preliminary View about its inclusion of older music but highlighted that it is a community radio station operated by volunteers and that whole hours of older music are broadcast “outside the typical broadcast hours of 7am to 8pm”. The Licensee disagreed with Ofcom’s suggestion that its music does not meet the needs of its target audience and has found that its focus on music from the last 15 years, the latest releases and contemporary pop “may not align with the preferences of [its] listener base, particularly those aged 16-25”. It requested clarification from Ofcom and “any available broadcast data that reflects the music preferences of young people in [its] target area”.

Social gain

AIR FM submitted that it is involved in initiatives to provide social gain through training, education, and community involvement. This included involvement with local schools, including those that work with students with additional educational needs. It set out that former pupils are involved in presenting and managing the service. AIR FM also confirmed that four of its 20 “active volunteers” are from the target community of those who are “disadvantaged, challenged or living with disabilities or learning difficulties”.

The Licensee submitted that it ensures accountability through “regular meetings and open communication with volunteers and the community”, including Annual General Meetings.

AIR FM explained that to better understand its audience it had run a survey conducted by a colleague of the station who has autism and works with “disadvantaged young adults”. From the survey AIR FM found that its audience values quality of programming over the background of presenters and appreciates a diverse playlist as it appeals to a broader listener base. The Licensee said that it directly engages with its listeners to gather feedback.

The Licensee submitted that its presenters “actively engage with the community, fostering connections between listeners and the station” and gave the example of one presenter’s reports on local transport and events, as well as ‘What’s On’ segments.

AIR FM requested clarification from Ofcom on how we measure social gain objectives.

In response to the Preliminary View, the Licensee acknowledged the importance of, and understood the expectations of, facilitating discussion and the expression of opinion, but highlighted that its ability to meet these requirements is dependent on volunteer availability and it has faced challenges in having enough volunteers to do this. It set out that it has worked to “bring in new presenters, expand [its] community outreach through interviews, and engage in events to directly connect with [its] audience” and highlighted the increase in scheduled programming since the week monitored. It stated that it is also developing training packages to equip its community with “skills that foster confidence and self-expression” and encourages discussions on its social media platforms.

In terms of encouraging community engagement, AIR FM set out that its live programming engages with listeners, “fostering discussion through message boards, shout-outs, and community-driven topics”, as well as encouraging audience interaction.

Regarding strengthening links specifically with “young people up to the age of 25, including those who are disadvantaged, challenged or living with learning difficulties and disabilities”, the Licensee explained that it does this through inclusive broadcasting, collaborating with local groups to promote opportunities for young people and amplify their voices, and developing radio skills and a “stronger connection to their community through media engagement”.

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 radio licence is granted.

The Licensee’s explanation of the progress it has made since the station manager started their role as well as what has been done since the week monitored is encouraging. Our investigation is focused on what occurred at the time of the complaint, i.e. the week of 7 to 13 October, and the information provided about the off-air activities of the station during the course of our assessment and investigation.

Music, speech and original output

Ofcom found AIR FM broadcast a variety of music, including contemporary hits from the last 15 years, and music tracks older than 15 years for whole hour segments on several evenings of the week monitored. We do not have an issue with the Licensee broadcasting specialist music programming and that this may fall within the interpretation of “occasional”. Ofcom acknowledges the Licensee’s argument that older music appeal to and are often chosen by presenters who fall

within the target community. Ofcom also found that local music was not broadcast during the week monitored.

We acknowledge the Licensee's representations that its current music requirement may not align with the preferences of the young people it serves, and that the imminent removal of these requirements will allow stations to have greater flexibility to respond to changing listener demands. Ofcom does not hold or use data about listening preferences, licensees may wish to carry out their own audience research, which we would take into account if provided during the course of any assessment or investigation. We consider that the music broadcast on AIR FM could generally appeal to "young people up to the age of 25". Nevertheless, the Licensee did fail to meet the music requirement in place at the time of the complaint by failing to broadcast local music.

AIR FM stated that all of its output was original, however a significant amount of its broadcast content was automated music and station idents, which do not meet the definition of original output. The Licensee failed to meet this requirement on two weekdays and both weekend days (when the requirement was to broadcast nine hours per day).

During shows where speech content was broadcast, presenters (including those from the target community) included information about weather, traffic and travel, and upcoming community events of interest to the target community. We did not identify any broadcast interviews, and local news was limited. Whilst these elements of the Key Commitments will shortly be removed and their absence would no longer be a problem, the inclusion of this kind of content contributes to demonstrating that the Licensee is meeting the character of service.

We acknowledge the Licensee's request for clarification on balancing its speech requirements with its audience expectations of a music-led service. As explained above, the licence will soon be varied by Ofcom to remove the specific speech and original output requirements. However, after the licence is varied AIR FM will still be required to broadcast speech content and original output to comply with its character of service. The structure of the Licensee's content is an editorial decision for the broadcaster, what we expect is that the speech content broadcast is in line with the character of service. The Licensee also requested clarification on the requirement to broadcast local news. There is no minimum threshold for local news content. The more content relating to the local area, the easier it is to demonstrate the service is for the target community. It is not Ofcom's role to share best practice in compliance with Key Commitments but licensees may wish to seek advice from other community radio stations or the trade bodies for the sector.

Character of service and social gain

Ofcom found that there was very little speech-based programming during the period monitored, with the vast majority of content being music, which impacted its ability to fully demonstrate its compliance with the character of service and social gain requirements, as well as its speech requirement. We acknowledge the Licensee's explanation that there has been a shortfall in presenter-led content due to challenges it has faced and welcome its aim to increase volunteer hours to rectify this, including increasing the number of scheduled programmes. We acknowledge that some of the programmes during the week monitored featured brand-new presenters. There was also a limited amount of factual, speech-based programming, with content of this nature being provided during music-led programmes rather than being standalone programming.

Generally, when presenters were broadcasting the content did suggest that the service was for young people in the coverage area but this was not as apparent where there was no presenter

content. There was some speech content that was specifically aimed at those who are “disadvantaged, challenged or living with learning difficulties and disabilities”, including information about disability awareness, adaptive technology, wheelchair dancing, and references to events that include a ‘quiet hour’ for those with special educational needs and disabilities.

In response to AIR FM’s question about Ofcom’s expectations for this type of speech content, it is not the role of Ofcom to prescribe what any licensee broadcasts because this is a creative editorial decision for the broadcaster. In terms of our assessment, we expect the service to sound different to a station with a ‘mainstream’ character of service, which we consider the station has achieved where there is presenter content. Where a specific group is included within a character of service but is not the whole focus of the station, we would expect to hear some content that is recognisably for that sub-set of the community, for example details of events or initiatives aimed at this community or specific programming designed to help them overcome barriers they face.

Overall, we consider that the service broadcast was for “young people up to the age of 25, including those who are disadvantaged, challenges or living with learning difficulties and disabilities” and the other elements of the character of service were present, with assurances from the Licensee that it was working on increasing volunteer involvement in the service, which would enable it to demonstrate its compliance with the character of service on-air better in future.

The information that the Licensee provided about the training and education opportunities it provides to volunteers satisfied Ofcom that the Licensee was meeting its social gain requirements and off-air character of service requirements in this area. In addition, we were satisfied that members of the target community can contribute to the operation and management of the service and that AIR FM had several mechanisms in place to ensure accountability to its target audience.

However, we were concerned about the Licensee’s compliance with the other aspects of its social gain requirements i.e. achieving: i) the facilitation of discussion and the expression of opinion; and ii) the better understanding of its target community and the strengthening of links within it.

In respect of facilitating discussion and the expression of opinion, stations are required do this both in allowing presenters to use the station as a platform to express opinions, but also to encourage members of the community to engage in discussion. This could be facilitated through different types of speech programmes inviting and reflecting audience views (phone-ins/social media etc.) or shows featuring content about current affairs, or with a journalistic slant. It could also be achieved through off-air events such as community forums.

While AIR FM said that it was “regularly out in the community creating interviews of local events and groups [that its target audience] will find interesting and informative”, we did not identify any broadcast interviews during the week monitored. AIR FM’s lack of speech programming and original output as detailed above restricted its ability to meet the requirement to facilitate discussion and the expression of opinion on-air.

We acknowledge the Licensee’s representations that its ability to meet this requirement depends on availability of volunteers, and that it has expanded its community outreach and events in order to meet this requirement off air. However, we consider that AIR FM is not meeting the social gain requirements set out in its Key Commitments to facilitate discussion and the expression of opinion because there was little to no activity to meet this requirement during the week monitored.

In terms of achieving the better understanding of the particular community and the strengthening of links within it, there are a number of ways in which a station can promote a better understanding of

its target community, including but not limited to: community-focused speech programming, hosting off-air events or forums, holding open days or extending broadcast interview opportunities to different community groups. Stations should endeavour, where possible, to ensure that volunteers from across their target community are given opportunities to participate in the service.

It appeared that AIR FM provides volunteers from its target community opportunities to participate. The Licensee submitted that its presenters “actively engage with the community, fostering connections between listeners and the station” and gave the example of one presenter’s reports on local transport and events, as well as ‘What’s On’ segments. The Licensee did broadcast information about community events and disability awareness, which contributes to achieving the better understanding of the particular community and the strengthening of links within it. We consider that this element of the social gain requirements was therefore met.

Conclusion

We acknowledge that the Licensee has requested to change its Key Commitment to “better align” with its listeners. We would like to remind licensees that such a request must be approved by Ofcom before changes are made to a station’s output.

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

- “Speech. The main types of speech output broadcast over the course of each week are: local news, features on community events, interviews, information, and output produced and presented by people from the target community”.
- “Music. The main types of music broadcast over the course of each week are: contemporary hits from the last fifteen years; occasional older tracks and music from local artists”.
- “The service provides original output for a minimum of 7 hours per weekday; 9 hours per day on weekends”.
- “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”.

While the requirements for speech, music and original output will shortly be removed, we expect the Licensee to continue to work to better provide social gain and community benefits to its target community.

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