
Ujima Radio

Request to change Key Commitments

STATEMENT

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1. Overview

A community radio station's Key Commitments set out the type of broadcast output it is required to deliver, and form a part of its licence. Key Commitments include a description of the community to be served; a summary of the character of the service; a description of the programme service; social gain objectives; access and participation arrangements; and mechanisms to ensure accountability to the target community. When a request to change Key Commitments constitutes a significant departure from the character of service, the request is subject to consultation.

In December 2022, Ujima Radio Community Interest Company ("the Licensee") submitted a request to Ofcom to change its Key Commitments for the FM community radio licence it holds for the St. Paul's and Easton areas of Bristol. In Ofcom's view the proposed change would or could have substantially altered the character of the service, and therefore the request was subject to a public consultation.

What we have decided – in brief

Ofcom has decided to approve the request submitted by Ujima Radio CIC.

As a result of this, Ujima Radio's 'community to be served' and 'character of service' will change from a station that serves *"people in the St Paul's and Easton areas of Bristol"* which *"informs represents, educates, entertains, communicates and celebrates culture, heritage and diversity within the local BME communities"* to a station that is *"predominantly for people of African and Caribbean heritage in the St Paul's and Easton areas of Bristol"* which *"informs represents, educates, entertains, communicates and celebrates culture, heritage and diversity within the local African/Caribbean communities."*

In addition, a requirement will be added to the Key Commitments that the station's speech content should be *"of local importance to our communities of interest,"* and the current requirement that, over the course of a week, two non-English languages must be broadcast will be removed. This will be replaced by a commitment that *"the output is broadcast in English, and sometimes other languages of African heritage."*

2. Details and background information

- 2.1 The licence for each community radio service contains ‘Key Commitments’ which describe the type of programme service the licensee is required to provide.
- 2.2 In December 2022, Ofcom received a Key Commitments change request from Ujima Radio Community Interest Company (‘Ujima Radio’), which holds a community radio licence for the St. Paul’s and Easton areas of Bristol, with regards to its service ‘Ujima Radio’.
- 2.3 The station commenced broadcasting in July 2008. The current Key Commitments can be viewed on the Ofcom website [here](#).
- 2.4 Ujima Radio requested a number of changes to its Key Commitments, which are summarised in the ‘Overview’ section at the beginning of this document, and also set out in paragraph 3.1 of this document. A copy of the full Key Commitments change request form submitted by Ujima Radio can be found at Annex 5 in [our consultation document](#) on the request published in January 2023.

Statutory framework and considerations

- 2.5 Community radio services are licensed under the terms of three related pieces of legislation. In particular, the Community Radio Order 2004 (the “Order”) applies modified versions of the provisions of the Communications Act 2003 (the “2003 Act”) and Broadcasting Act 1990 (the “1990 Act”) to community radio. The legislation sets out requirements that must be met for radio services to qualify as ‘community radio services’, including that such services are not profit-distributing, are provided for a target community, deliver social gain objectives, invite access and participation in the service, and are accountable to the target community.
- 2.6 Section 106(1) of the 1990 Act (as modified by the Order) requires that community radio licences include such conditions as appear to Ofcom to be appropriate for securing that the character of the licensed service (as proposed by the licence holder when making its application) is maintained during the period for which the licence is in force.
- 2.7 The way section 106(1) applies in practice is that, when a prospective licence holder applies for a community radio licence, it must set out its proposals as to the character of the service it intends to provide. Those proposals are summarised in what is known as a ‘Key Commitments’ document, which then forms the basis for the terms and conditions contained in the licence regarding the ‘character of the service’ and its delivery. Such terms and conditions are agreed with each licensee before the station starts broadcasting. (The ‘licensee’ is the organisation which holds the community radio licence.)
- 2.8 The Key Commitments document includes:
 - a description of the community to be served;
 - a summary of the character of service (a short description of the station’s aims);

- a description of the programme service;
- social gain objectives (including how the station will satisfy the mandatory social gain requirements set out in the legislation, and any other social gain objectives of the service);
- access and participation arrangements; and
- mechanisms to ensure accountability to the target community.

2.10 In determining the licence conditions that should be included in a licence under section 106(1) of the 1990 Act, section 106(1A) provides that Ofcom may, in particular, include conditions that enable it to consent to a “departure from the character of a licensed service” (or, in other words, the Key Commitments) should a licence holder subsequently request such a change. This is embodied in condition 2(5) of each community radio licence, allowing Ofcom to consent to changes in Key Commitments. Before Ofcom can give its consent it must be satisfied that one of a number of statutory criteria has been fulfilled (see below). However, the legislation also gives Ofcom discretion not to consent to a proposed change, even if one of these criteria is satisfied.

2.11 The statutory criteria that Ofcom must apply when considering requests to change Key Commitments are set out in Section 106(1A) of the 1990 Act (as modified by the Order), and are as follows:

- that the departure would not substantially alter the character of the service (section 106(1A)(a));
- that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community (section 106(1A)(b));
- that, there is evidence that, among persons comprising that community, there is a significant demand for, or significant support for, the change that would result from the departure (section 106(1A)(d));
- that the departure would not be prejudicial to the access by members of that community to the facilities used for the provision of the service and for training in the use of those facilities (section 106(1A)(e)); or
- that the departure would not be prejudicial to the delivery of social gain resulting from the provision of the service provided under that licence (section 106(1A)(f)).

2.12 Where Ofcom is considering whether or not to consent to a proposed change on the basis of sections 106(1A)(b), (d), (e) or (f) above, it is under a general obligation to consult with those who, in its opinion, are likely to be affected by the change. Ofcom is not, however, required to consult when it is satisfied that a proposed change satisfies section 106(1A)(a) - i.e. that a proposed change would "not substantially alter the character of the service". The term 'character of the service' is not defined in the legislation. We consider that it includes everything that is set out in each service's Key Commitments section of its licence. For the avoidance of doubt, this goes beyond a sub-section in the Key Commitments document

entitled 'description of character of service' to encompass the entirety of the Key Commitments annex to the licence.

- 2.13 The legislation leaves the decision as to whether to permit a change, even if one of the above criteria is satisfied, to Ofcom's discretion. There may be reasons (depending on the circumstances of the case) why Ofcom may not consent to the proposed change, notwithstanding that one of the statutory criteria is met. We have published criteria we use to help us judge whether a request of this kind should be approved.¹ We also take account of our general statutory duties, including:
- a) our principal duty to further the interests of citizens and consumers;
 - b) our duty to secure the availability throughout the UK of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests (including specifically a range and diversity of local radio services), as well as the maintenance of a sufficient plurality of providers of different services; and
 - c) our duty to have regard to the different interests of persons in the different parts of the UK, of the different ethnic communities within it and of persons living in rural and in urban areas.
- 2.14 Where we consult, we will usually do so by publishing a consultation document on our website. We will usually include in that document a preliminary view about the request. That is not a decision, but a provisional view, subject to the consultation process, so that those who wish to respond to the consultation can do so on an informed basis. We then consider all the responses to the consultation and make our decision on the request.

¹ [Guidance on changes to key commitments \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/keycommitments/keycommitments_131215.pdf)

3. Ofcom's analysis and decision

- 3.1 As set out in Annex 5 of our [consultation document](#), Ujima Radio wishes to change its published Key Commitments as follows:
- To amend Ujima Radio's community to be served and character of service from a station that serves "*people in the St Paul's and Easton areas of Bristol*" which "*informs represents, educates, entertains, communicates and celebrates culture, heritage and diversity within the local BME communities*" to a station that is "*predominantly for people of African and Caribbean heritage in the St Paul's and Easton areas of Bristol*" which "*informs represents, educates, entertains, communicates and celebrates culture, heritage and diversity within the local African/Caribbean communities.*"
 - To add a requirement that the station's speech content should be "*of local importance to our communities of interest.*"
 - To remove the current requirement that, over the course of a week, two non-English languages must be broadcast. This would be replaced by a commitment that "*the output is broadcast in English, and sometimes other languages of African heritage.*"
- 3.2 The request was made on the basis the change would satisfy all five of the statutory criteria in section 106(1A) of the 1990 Act, and that it is consistent with Ofcom's generally applied policy criteria for such requests.
- 3.3 We disagreed, and considered that the request would substantially alter the character of the service. This is because the station would be changing its target community from the population of St. Paul's and Easton, with a specific focus on catering for "*the local BME communities*", to a station that is designed "*predominantly for people of African and Caribbean heritage*" in St. Paul's and Easton.
- 3.4 Ofcom therefore considered that section 106(1A)(a) was not met, and so we undertook a public consultation on Ujima Radio's request.

Ofcom's preliminary view

Statutory criteria

- 3.5 We said in the consultation document that we believed that the changes, while being substantial, would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community (section 106(1A)(b)).
- 3.6 On the face of it, the Licensee's request to focus the station's output predominantly on the interests and needs of the local African/Caribbean communities could narrow the range of programming available to the wider range of BME communities in St. Paul's and Easton.
- 3.7 However, there is another analogue community radio station broadcasting to central Bristol, BCfm, whose coverage area includes St. Paul's and Easton, and whose Key

Commitments require it to be *“for the people of Bristol including children, young adults, older people, disabled people and ethnic minorities in the area”*.

- 3.8 We also recognised that, since its launch in 2008, Ujima Radio has been particularly associated with providing music and speech programming for the local Afro-Caribbean community. This is not inappropriate given the relatively high percentage of the population of St. Paul’s and Easton areas who are of Afro-Caribbean heritage. We had also not seen any evidence which might suggest that the narrowing of Ujima Radio’s target community would in fact narrow the range of programming available to people in the St. Paul’s and Easton areas of Bristol who are not of African or Caribbean heritage.
- 3.9 For these reasons, we were satisfied, on a preliminary basis (that is, before we have been able to take account of any consultation responses), in relation to statutory criterion (b).

Policy criteria

- 3.10 As we were satisfied, on a preliminary basis, in relation to one of the statutory criteria, we also considered in the consultation document whether (again, on a preliminary basis) we would be willing to approve the request, having regard to our published policy criteria.
- 3.11 With respect to the proposed changes conflicting with ‘characteristics of service’ set out in legislation, we considered that the changes requested by Ujima Radio would not run counter to the legislation, since the station would still be not-for-profit and provide community benefits to the area it serves (i.e. St. Paul’s and Easton).
- 3.12 We also considered that, given Ujima Radio’s history of providing programming for the Afro-Caribbean community, the extent of the impact of the change on the station’s overall sound would, in practice, be likely to be very limited. For similar reasons, we also felt that this would be true of the delivery of off-air activity such as social gain objectives.
- 3.13 Finally, we took into account the station’s rationale for the requested changes, and in particular the changing audio and media environment in which Ujima Radio now operates. Given recent developments such as the launch of two small-scale DAB multiplexes in Bristol that will enable more local radio stations to broadcast to the area, we thought it was reasonable for the station to want to define its target community more precisely.

Summary of consultation responses

- 3.14 Ofcom received one response to the consultation, from a listener (who wished to remain anonymous) who has lived in St. Paul’s since 2011. The respondent was in favour of the proposed changes, arguing that “It’s important for Ujima to focus on its strengths and supporting younger generations to understand their heritage and history.” The respondent added: “St Paul’s has become increasingly gentrified and the demographic is changing very quickly with more international students accommodation being built. I feel sometimes in St Paul’s, lifestyle and cultures and social economic groups are more separate than I have ever known. I would support the decision of the directors at Ujima to lead the organisation

in the way forward they see best for their target audience [...] The more we work together to retain what is special about St Paul's the better.”

Ofcom's decision

- 3.15 In light of the sole response received to the consultation, which supported Ujima Radio's request to make changes to its Key Commitments, and in particular to focus the station's output predominantly on the interests and needs of the local African/Caribbean communities, we do not see any reason to depart from our preliminary view as set out in the consultation document.
- 3.16 Ofcom has therefore agreed the request because we are satisfied that the changes would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community (section 106(1A)(b) of the Broadcasting Act 1990 (as modified by the Community Radio Order 2004, and further modified by the Community Radio (Amendment) Orders 2010 and 2015)).
- 3.17 With regard to our policy criteria, Ofcom is also satisfied that the changes will not affect Ujima Radio's ability to meet the community radio 'characteristics of service' set out in the legislation, and we did not consider there were any other policy reasons to reject the request. We have therefore decided to exercise our discretion to approve the changes.