



Providing a service in accordance with retention and production of recordings and provision of information, Revival FM (Glasgow) Limited

Type of case	Broadcast Licence Conditions
Outcome	In Breach
Service	Revival FM
Date & time	8 to 14 April 2024
Category	Retention and production of recordings Provision of information
Summary	<p>The Licensee failed to provide recordings to Ofcom on request. Breach of Licence Conditions 8(1) and 8(2) (Retention and production of recordings).</p> <p>The Licensee also failed to provide information to Ofcom for the purpose of assessing a compliant. Breach of Licence Condition 9 (Provision of information).</p>

Introduction

Revival FM is a community radio service with a Christian perspective for the people of the City of Glasgow. The licence for Revival FM is held by Revival FM (Glasgow) Limited (“Revival FM” or “the Licensee”).

Like other community radio stations, Revival FM is required to deliver [‘Key Commitments’](https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102295.pdf) (https://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr102295.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 8 April to 14 April 2024, as well as a programme schedule for the same week, music logs, and an explanation of how the Licensee was meeting its requirements under its Key Commitments. However, the Licensee was unable to provide the information or recordings because it stated that it no longer had access to its computers. Ofcom considered that this raised potential issues under Licence Conditions 8(1), 8(2) (a) and (b) and Condition 9(1), which state that:

- 8(1): "The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recording of the Licensed Service's broadcast output".
- 8(2): "In particular, the Licensee shall:
- a) make and retain, for a period of 42 days from the date of its inclusion therein, a recordings of every programme included in the Licensed Service...
 - b) at the request of Ofcom forthwith produce to Ofcom any such recordings for examination..."
- 9(1): "The Licensee shall maintain records of and furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, estimates, returns, reports, notices or other information as Ofcom may require for the purpose or other information as Ofcom may require for the purpose of exercising the functions assigned to it by other under the 1990 Act, the 1996 Act of the Communication Act..."

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

Response

Ofcom did not consider it necessary to seek a response from the Licensee in reaching a Preliminary View in this case. The Licensee did not respond to our request for comments on the Preliminary View. However, we took into account the account the information provided by the Licensee when it responded to our request for information and recordings.

Revival FM stated that it was unable to provide the material that Ofcom requested and that, due to an internal dispute, it had been experiencing "a significant cashflow issue as [it needs] to purchase new equipment and hire new personnel".

Decision

In each broadcaster's licence, there are conditions requiring the licensee to retain recordings for a specific number of days after broadcast, and to comply with any request by Ofcom to produce recordings of programmes as broadcast. For community radio licenses, this is reflected in Licence Condition 8. Licensees are also required to provide information that Ofcom reasonably requires to exercise its functions and to do so in a timely manner. For community radio licensees, this is reflected in Licence Condition 9.

Breaches of these conditions are significant because they impede Ofcom's ability to assess the output of the service. This is a key part of the enforcement process for cases about compliance with both licence conditions and the Broadcasting Code.

Ofcom requested recordings of content broadcast between 8 and 14 April 2024, but the Licensee failed to provide the recordings, a programme schedule or music logs because it could not access its computers. This impeded Ofcom's ability to assess the Licensee's compliance with its Key Commitments.

Ofcom's Decision is that the Licensee is in breach of Licence Conditions 8(1) and 8(2) and (b) for failing to retain and produce recordings to Ofcom on request.

Ofcom's Decision is that the Licensee is also in breach of Licence Condition 9(1) for failing to provide the requested information.

We expect the Licensee to work to rectify these issues immediately. Ofcom will monitor this service to ensure Revival FM is complying with its Key Commitments and the requirements to retain and produce recordings and provide information to Ofcom.

Breach of Licence Conditions 8(1), 8(2)(a) and (b) and 9(1)