

Notes of guidance for community radio licence applicants and licensees

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Foreword

1. The aim of this document is to set out for prospective applicants for community radio licences, and for community radio licensees, the main statutory requirements and licence conditions that need to be met. It includes guidance on submitting an application for a community radio licence.
2. In addition, applicants and licensees may find it useful to study the following documents:
 - (i) The Ofcom Broadcasting Code: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code> and associated guidance: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/programme-guidance>
 - (ii) Broadcast advertising is co-regulated by the Advertising Standards Authority. The broadcast advertising code can be found at: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/broadcast-code.html>
 - (iii) The Ofcom Engineering Code (site engineering code for analogue broadcast transmission systems): https://ofcom-build.squiz.co.uk/_data/assets/pdf_file/0017/37133/code2013.pdf
 - (iv) The Ofcom Coverage and planning policy for analogue radio broadcasting services: https://www.ofcom.org.uk/_data/assets/pdf_file/0018/54621/analogue-coverage-policy.pdf.
3. The statutory framework for awarding a community radio licence and the obligations to be met by licensees are set out in the Community Radio Order 2004, as amended by the Community Radio (Amendment) Order 2010 and Community Radio (Amendment) Order 2015. The Community Radio Order 2004 extends the application of the Broadcasting Act 1990 and the Communications Act 2003 to community radio services, with such modifications as are appropriate for those services. References made in this document to a specific piece of legislation - for example, the Community Radio Order 2004 - means that piece of legislation as most recently amended. A copy of the Community Radio Order 2004 can be found in Annex A of this document. Various key sections of the Broadcasting Act 1990 and the Communications Act 2003 as amended by the Communications Act and modified by the Order, and as further modified by the Amendment Orders are attached as Annex B. Guidelines on the involvement of religious bodies are in Annex C. (Full copies of the relevant legislation are available from www.opsi.gov.uk/ and from TSO (The Stationery Office).)
4. This document, and the application form, may be revised from time to time. Applicants are advised to check the Ofcom website prior to submitting their application, to ensure that they are in possession of the current versions of these Notes of Guidance, application form, and other relevant background documents.
5. Some 'frequently asked questions' are included at annex D of this document to assist applicants and existing licensees.

Part 1: Application and award procedure

Licensing rounds

1.1 Ofcom invites community radio applications during licensing rounds. Ofcom will usually advertise a licensing round and invite applications by posting information on its website (<https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>). Potential applicants and anyone else interested in community radio can request our broadcasting email updates so that they are kept informed on community radio, including notification of when we invite applications, and other broadcasting issues (<https://confirmsubscription.com/h/i/7D1B465C1F301F71>).

Submission of applications

1.2 An application for a community radio licence can only be submitted to Ofcom during a licensing round, and within the period specified in the published invitation to apply for the region or locality in which the proposed service is located.

1.3 Information about the region for which we are inviting applications, and how to apply, will be in the invitation document which will be published on the community radio pages of our website. Applications cannot be accepted outside the period specified for each region or locality.

1.4 Ofcom will not specify where a service should be; instead, applicants should identify the location and community they wish to serve. The Community Radio Order sets out restrictions on the licensing of community radio services within the service areas of some small commercial radio services. In particular, limiting community radio services' receipt of income from advertising and sponsorship.

1.5 Ofcom cannot guarantee a suitable frequency will be available for any applicant in any part of any particular region or locality. All applications should be made on this basis.

1.6 Applicants must comply with all the requirements set out in this document, the application form, and in the published invitation to apply for a community radio licence. Failure to do so may render the application liable to be disqualified without refund of the application fee.

1.7 The application documentation may be obtained from the Ofcom website at <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>

1.8 Please send any queries to community.radio@ofcom.org.uk.

1.9 Applications should be made in the name of a single legal entity. This must be a non-profit distributing body corporate (only a body corporate can hold a community radio licence). A body corporate is almost always a (registered) company, although it can also include, for example, some bodies created by statute (an individual or a registered charity on its own is not a body corporate). Where the body is a company, its

registration number must be included on the application form. If the application is successful, Ofcom will award the licence to the legal entity named in the application.

1.10 One electronic copy of an application must be received by Ofcom no later than the closing date specified in the invitation to apply. The application should be submitted by email to community.radio@ofcom.org.uk. Applications received after the closing-date will not normally be accepted. Applicants should keep in mind that email is not an instant means of communication, especially when there are large attachments. Applicants are therefore strongly advised to submit email applications at least 48 hours in advance of the deadline, so that urgent steps can be taken by the applicant if they are not received by Ofcom. If any of the documentation supporting an application is only available as paper copies, it should be sent to: Broadcast Licensing, 5th Floor, Riverside House, 2a Southwark Bridge Road, London SE1 9HA before the deadline. All applications will be acknowledged by Ofcom (usually by email).

1.11 Each application must be accompanied by a non-refundable application fee of £600. Payment of the application fee must also be received (Ofcom must be holding cleared funds) by the closing-date specified in the invitation to apply for a licence. If you have queries regarding payment, you may call our Finance department (020 7783 4930). The invitation of applications for each region (or locality(ies)) gives details of payment methods. Payment by cash is not accepted.

1.12 Submission of an application will be taken as evidence of willingness to accept a licence, if offered, on the terms indicated.

Completing the application form

1.13 The community radio licence application form can be found on our website (see link in 1.1). Applicants should download a copy, complete it and submit it by email to the address given, and by the deadline given, in the 'invitation to apply' for the region/locality in which the proposed service wishes to broadcast. The questions asked, and the information requested, are designed to enable Ofcom to consider an applicant's proposals against the various legislative requirements.

1.14 As part of the application form applicants are asked to draft their own Key Commitments. Should a licence be awarded this will, subject to Ofcom's agreement, form the basis of the Key Commitments section of the station's licence. We reserve the right to modify those draft commitments in order, for example, to ensure that they are fit for purpose and comply with legislative requirements. Where appropriate, this will be done in collaboration with the licensee (though Ofcom's decision is final).

1.15 Applicants should aim to keep information concise and to the point. Some sections contain word limits and any information beyond the word limit will not usually be considered. For example, if a section requires that the information be presented in no more than 100 words any information beyond the 100-word limit is unlikely to be taken into account.

1.16 Applicants may request that some parts of an application be submitted in confidence. The relevant sections are marked on the application form. Applicants are asked to tick the relevant box on the application form if they wish to request that the section be removed from the published copy of the application (see below). Where an applicant asks us to keep information confidential, we will treat this request seriously and will try to respect it. But sometimes we will need to publish all applications, including parts that are marked as confidential, in order to meet legal obligations. If an applicant wishes to submit further information in confidence other than where this is

specifically indicated as permissible, confirmation that this is acceptable must be sought beforehand, by email, from Ofcom's Broadcast Licensing team (see contact details in paragraph 1.8).

1.17 All information provided in the application must be true and correct. If any amendments need to be made by any applicant through circumstances outside its control, then Ofcom should be informed immediately. No material amendments to the proposals provided in the application may be made by the applicant without the agreement of Ofcom. Ofcom will not agree to any such amendment which it considers would be unfair to any other applicant applying for a community radio licence in that round.

Publication of Applications

1.18 Applications will be made available for public inspection on the Ofcom website. Shortly after the closing-date for applications, we will announce the number of applications received, and subsequently we will publish on the Ofcom website all parts of the applications received other than those parts we agree to keep confidential. The published parts will include the name(s), address(es) and daytime telephone number(s) of individuals nominated to handle any press or public enquires on behalf of the applicant.

Assessment of applications and licence awards

1.19 The assessment of applications for a licence will be based primarily on the proposals presented in the completed application. In the course of assessing applications, Ofcom may seek clarification and/or amplification of proposals from an applicant.

1.20 Consideration of all applications is likely to take a number of months. Successful groups will be required to start broadcasting within two years of the licence award.

Duration of licence

1.21 The Community Radio Order 2004 provides that community radio licences may be granted for an initial period of up to five years. Community radio licensees may then apply on two occasions to extend their licences for two further periods, each of up to five years. More information on this process can be found on our website: <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend>

1.22 A group should commence broadcasting within two years of a licence award. If they are unable to do so, the offer of a licence may be withdrawn and the frequency considered for use in the same area or elsewhere in the next round of licence awards (should there be one).

Part 2: Legislative requirements

2.1 The Community Radio Order 2004 sets out the characteristics, selection criteria and other legislative requirements for community radio licensing. The Order is reproduced in full at Annex A.

Characteristics of a community radio service

2.2 The 'characteristics of a community radio service' are set out in the Order. To be eligible for a community radio licence, a proposed service must:

- Be provided primarily for the good of members of the public or of particular communities and in order to deliver social gain, rather than primarily for commercial reasons or for the financial or other material gain of the individuals providing the service.
- Be intended primarily to serve one or more communities (whether or not it also serves other members of the public). (A community is defined as either people who live or work or undergo education or training in a particular area or locality, or people who have one or more interests or characteristics in common).
- Not be provided in order to make a financial profit, and uses any profit produced wholly and exclusively to secure or improve the future provision of the service or for the delivery of social gain to members of the public or the target community.
- Offer members of the target community opportunities to participate in the operation and management of the service.
- Be accountable to the target community.

Statutory selection criteria

2.3 In determining the most suitable applicant for the award of a community radio licence, Ofcom is obliged to have regard to the special requirements set out in Section 105 of the Broadcasting Act 1990, as amended by the Communications Act 2003, and as modified by the Community Radio Order 2004 (Key sections of the Broadcasting Act 1990 and Communications Act 2003 are reproduced at Annex B.) These 'selection criteria' are as follows:

- a. The ability of each of the applicants for the licence to maintain, through the period for which the licence would be in force, the service which he proposes to provide;
- b. The extent to which any proposed service would cater for the tastes and interests of persons comprising the relevant community, and, where it is proposed to cater for any particular tastes and interests of such persons, the extent to which the service would cater for those tastes and interests;
- c. The extent to which any proposed service would broaden the range of programmes available by way of local services to persons living in the area or locality in which it would be provided, and, in particular, the extent to which the service would be of a nature or have a content distinct from that of any other local service the licence for which would overlap the licence for the proposed service;

- d. The extent to which there is evidence that amongst persons living in that area or locality, there is a demand for, or support for, the provision of the proposed service;
- e. The extent to which the provision of any such proposed service would result in the delivery of social gain to the public or relevant community;
- f. The provision that each of the applicants proposes to make in order to render himself accountable to the relevant community in respect of the provision of the proposed service;
- g. The provision of each of the applicants proposes to make to allow for access by members of the relevant community to the facilities to be used for the provision of the service and for their training in the use of those facilities.

Ability to maintain the service

2.4 In fulfilling its statutory obligations under section 105(1)(a), Ofcom needs to consider whether an applicant either has, or is likely to have, access to sufficient financial and other resources to establish and maintain the proposed service. The application form includes questions on what broadcasting and off-air activities are planned, the cost and resources required, how the applicant intends to fund these, and what human resources are involved, as well as the group's and individual members' relevant experience and what appropriate linkages the applicant has already established. Applicants need a clear business plan to show how they propose to set up their service and maintain it once on air. We require detailed financial information – budgets and funding – for set-up and the first year of operation only. Without a well thought-through business plan it is unlikely that an applicant will be able to demonstrate its ability to maintain the proposed service.

Catering for the tastes and interests of the community, broadening choice and being distinct from other local radio services

2.5 To aid our consideration of the requirements of sections 105(1)(b) and (c), we need applicants to set out their broad aims for the proposed programme service, and some detail of the planned output. We need to understand how you have determined that your programme plans are appropriate for your target community. When looking at whether an applicant's proposals broaden the range of programmes in the area, and have content distinct from other services, we will be looking at local commercial radio services and any other community radio broadcasters already licensed with which the proposed community service would overlap. This includes analogue (FM & medium wave) but not digital services. The programming plans submitted in the application should form the basis of the successful applicant's 'Key Commitments', which, subject to Ofcom's agreement, will form part of the licence, so you must be sure that you can deliver what you propose in your application. (The application form requires each applicant to draft their own 'Key Commitments'.)

Evidence of local demand or support

2.6 Section 105(1)(d) requires Ofcom to take account of the extent to which there is evidence of local demand or support for the provision of a proposed service. Subject to the word limit specified in the application form, it is for applicants to decide how they wish to demonstrate demand or support, and what evidence of support they wish to submit. Where evidence like letters or research reports are relied upon, applications may include brief relevant extracts which represent an accurate and comprehensive summary, but original or complete copy documents should not be submitted (if we wish

to see the source material, we will ask for it). Applicants should note that Ofcom does not believe that generic support for the establishment of a new community radio station is generally as meaningful as evidence of considered support for an applicant's specific proposals. In addition, template-based letters or petitions will not generally be considered as significant evidence of support. Applicants may, nonetheless, wish to summarise evidence of such generic demand or support in their application form.

Social gain

2.7 The first 'characteristic of a community radio service' set out in the Order is that services are provided primarily "for the good of members of the public, or of particular communities, and to deliver social gain". Section 105(1)(e) requires Ofcom to take into account the extent to which the service would result in the delivery of social gain ('social gain' may also be thought of as 'community benefit'.) The Community Radio Order 2004 defines 'social gain' as the achievement, in respect of individuals or groups of individuals in the target community, or in respect of other members of the public, the following four mandatory social gain objectives:

- (a) the provision of sound broadcasting services to individuals who are otherwise underserved by such services;
- (b) the facilitation of discussion and the expression of opinion;
- (c) the provision of education or training to individuals not employed by the person providing the service; and
- (d) the better understanding of the particular community and the strengthening of links within it.

2.8 In addition, an applicant may have other objectives of a social nature (or 'social gain' aims) that fall outside the list above (and a further seven potential objectives are listed in the Order (see Annex A, Article 2(3) of the Order). All social gain objectives will be taken into account when assessing applications, as well as an applicant's ability and resources to deliver them. For social gain objectives put forward by applicants but not specifically listed in the Order, Ofcom will need to judge the degree to which they may deliver social gain.

Accountability to the community

2.9 Section 105(1)(f) requires Ofcom to consider the provision that an applicant proposes in order to make the station accountable to the relevant community. Accountability to the target community is one of the 'characteristics of service' listed in the Order and therefore an essential part of the service. Applicants need to set out clearly how they intend to address this requirement, including reference to both formal and informal mechanisms for accountability to the community, and for gathering feedback from the target audience.

Provision of access and training

2.10 Section 105(1)(g) requires us to take account of an applicant's proposals to allow for access by members of the target community to the facilities to be used for the provision of the service and for their training in the use of those facilities. It is a 'characteristic of service' that members of the target community are given opportunities to participate in the operation and management of the service, and therefore this is another essential requirement. For example, we need information on how groups or individuals from the target community could get involved in different station activities.

There is a separate and slightly different training requirement set out under the social gain objectives (see paragraph 2.7 (c) above).

Impact on commercial radio and funding rules

2.11 In addition to the selection criteria referred to above, Ofcom must have regard to the need to ensure that any community radio service does not prejudice unduly the economic viability of any other local (commercial) radio service. This duty is wider than simply applying the specific limits set out in the Order. The application form includes questions on whether a group plans to seek revenue from the sale of advertising or sponsorship on the station. An assessment will be conducted by Ofcom. Any decisions to (for example) vary the limit on advertising and sponsorship income to a level lower than that specified in the legislation will be made by Ofcom at the time of licence award. Ofcom is not able to increase the limit (i.e. to permit more advertising and sponsorship to be carried) to a level above that set by the Order.

2.12 Ofcom must, in each licence, include conditions as to the proportion of income that the licensee may derive from remunerated advertising and programme sponsorship. These must be such conditions as appear to us appropriate to ensure that a community radio service does not unduly prejudice the economic viability of any other (non-BBC) local commercial radio service.

2.13 Without prejudice to the generality of that economic impact requirement, Ofcom is required to impose conditions to ensure, in effect, that every licensed community radio service is prohibited from taking any relevant income from paid-for on-air advertising and sponsorship except in the following respects:

- a 'fixed revenue allowance' totalling £15,000 per financial year of the licensee for such relevant income – this exception applies to any community radio service where that service overlaps with any local commercial radio service serving a potential audience of no more than 150,000 persons who have attained the age of 15 years or older;
- a 'fixed revenue allowance' totalling £15,000 per financial year of the licensee for such relevant income plus a proportion of the total relevant income (specified by Ofcom in the licence), but which must not exceed 50% of the total relevant income (disregarding the fixed revenue allowance) for the licence in question in that year – this exception applies to all community radio services other than a community radio service referred to in the bullet point above. It should be noted that a community radio service that overlaps with any local commercial radio service serving a potential audience of no more than 150,000 persons who have attained the age of 15 years or older, which has at any time been varied pursuant to section 106(1A)(e) of the 1990 Act, is also covered by this exception.

For the avoidance of doubt, programme sponsorship includes station or channel sponsorship, and commercial communications.

2.14 For the purposes of the Order, two licences will "overlap" if the potential audience of one of the licensed services includes 50% or more of the potential adult audience of the other licensed service. The definition refers to an overlap in *population*, rather than in area. Overlaps apply both ways; that is a community service overlapping with a commercial service and vice versa. It is similarly important to keep in mind that the requirement is not limited to existing commercial services, but includes any new commercial service that may be licensed after a community radio licence has been awarded in an area. There are currently no planned launches of new local commercial

radio services. Ofcom nonetheless reserves the right to advertise licences for such services in the future if we consider it appropriate to do so.

2.15 A list of the adult population figures for commercial radio measured coverage areas (MCAs) can be found on our website, at <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/radio-broadcasters/formats-content>.

It is the responsibility of applicants to check whether the area they are applying to serve is within a commercial radio MCA which contains 150,000 adults or fewer.

2.16 If a commercial radio licence “has at any time been varied pursuant to section 106(1A)(e) of the 1990 Act”, this will be reflected in its Format under the heading ‘studio location’. If the Format allows locally-made programming to be produced within the licensed areas of another station (which will be listed in this part of the Format) it has been varied under this section of the 1990 Act. All Formats can be found on our website here www.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/analogue-main.htm.

Ownership

2.18 Ofcom will need to be satisfied that applicants fully comply with statutory provisions regarding ownership and effective control; see paragraphs 4.2-4.6 below for further details. In addition, Ofcom is required to satisfy itself that applicants are ‘fit and proper’ persons before it may grant a licence. The application form includes questions designed to enable Ofcom to achieve these objectives. Ofcom will seek confirmation of these matters prior to the issue of a licence through the submission of a formal Declaration signed by the applicant (see also paragraph 6.1).

Other legislative requirements

2.19 There are further legislative requirements regarding programming, financial and ownership matters set out elsewhere in this document. Requirements under the Wireless Telegraphy Act for obtaining separate licences under this Act are covered in section 4.18 below.

Part 3: Provision of the radio service

Key Commitments

3.1 The 'characteristics of community radio services' are referred to in the previous section of these Notes. Because of the need to assess applications for community radio licences in the light of these underlying characteristics, Ofcom's community radio application form asks for information which is not directly related to on-air broadcasting activities. Under section 106(1) of the Broadcasting Act 1990, and the Community Radio Order 2004 Ofcom is required to include such conditions in each community radio licence as are appropriate for securing that the character of the service, as proposed in the application, is maintained. As a result each station has specific 'Key Commitments' which are included in individual licences as granted, based on application proposals. As part of the application for a licence, applicants are asked to draft their own 'Key Commitments' which are included in the licence if the application is successful. (Ofcom may require amendments if, for example, we feel changes are required to better reflect the application proposals). Any subsequent changes to the specific 'Key Commitments' of an individual station may only be permitted by Ofcom on the grounds specified in section 106 (1A) and (1B) of the Broadcasting Act 1990, as modified by the Community Radio Order 2004. See guidance and Key Commitments change request form on our website at <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend>

3.2 The Key Commitments include:

- a 'description of character of service' which describes the target community (or communities), the main purpose and the primary functions or activities of the service;
- the programme service (including details of the type of music and speech broadcast; whether the service broadcasts in any languages other than English; the minimum number of hours of original and locally-produced output, and a commitment that the studio is located in the station's coverage area); and
- objectives regarding the provision of social gain, opportunities to participate in the operation and management of the service, and accountability to the relevant community.

Locally-produced output

3.3 Applicants for a community radio licence may propose to provide a service which is originated wholly locally, or one that for part of the time broadcasts output originated from a source outside the licensed area. However, as detailed previously, community radio services are obliged to meet various 'social gain' (community benefit) objectives within their remit of serving the local community and such requirements may limit the extent to which the sourcing of material from outside the licensed area may be appropriate. An applicant's proposals for the amount of programming which will be locally-made will be included in the Key Commitments, and thus form part of the licence.

Studio location

3.4 We ask applicants to tell us where their studio will be located (although we accept that some applicants will not have an agreed studio location at the time of

application). To ensure that a service fulfils the statutory criteria of providing access and participation as well as providing locally-produced output, we require the studio to be based in the licensed coverage area. The Key Commitments will state that the studio is located within the coverage area, but not state specifically where. This allows for changes to the studio location, but maintains the requirement for it to be within the coverage area.

Original output

3.5 In their application, applicants are asked to commit to broadcasting a specific amount of original output per day. We define 'original output' as output that is first produced for and transmitted by the service, and excludes output that was previously transmitted elsewhere. Original output can be live or pre-recorded. Repeat broadcasts of original output do not count towards the minimum requirement.

3.6 Applicants for a community radio licence are free to decide the extent, if at all, they propose to make use of voice-tracking, automated play-out systems or sustaining services, provided that the use of such systems or services does not prevent the proposed service from meeting the statutory requirements, or inhibit the delivery of their Key Commitments. If an application is successful, the 'programme service' section of the draft key commitments, which includes a commitment to a minimum level of original output per day, will form part of the licence, and any subsequent changes would be subject to agreement by Ofcom.

General statutory requirements in relation to programming

3.7 The Ofcom Broadcasting Code can be found at:
<https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

Guidance on the different sections of the Code is regularly reviewed and updated on Ofcom's website here:

<https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/programme-guidance>

Regulation of advertising and sponsorship

3.8 Broadcast advertising is co-regulated by the Advertising Standards Authority. Its advertising codes can be found at: www.cap.org.uk/Advertising-Codes.aspx. The regulation of broadcast sponsorship is the responsibility of Ofcom and the rules are in the Broadcasting Code: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

3.9 Commercial communications in radio programming are regulated by Ofcom and the rules for such output are in the Ofcom Broadcasting Code, Section Ten (see 3.7 above).

Complaints

3.10 Complaints will be dealt with in the same way as for other licensed radio services. Licensees will be required to make a recording of all output transmitted, and to retain recordings for a period of 42 days from the date of broadcast. The licensee must, at its own expense, make these recordings available to Ofcom for monitoring purposes and the investigation of complaints. The licensee should make appropriate provision for spare recording capability to enable continuity of recording in the event of a breakdown

or routine maintenance. Failure to provide a recording of output when requested by Ofcom (in the course of the investigation of a listener's complaint, or for any other reason) will be considered a serious breach of licence conditions.

3.11 Any costs incurred by Ofcom in investigating a complaint, including the translation of material broadcast in languages other than English, may, in the event of a complaint being upheld by Ofcom, be passed on to the licensee. Ofcom's complaints procedures can be found at <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint>

Part 4: Ownership and finance issues

Ownership and control

4.1 Part II of Schedule 2 to the Broadcasting Act 1990, as modified by the Community Radio Order 2004, sets out the categories of people or organisations that may not hold a Broadcasting Act licence. In addition, the Community Radio Order 2004 places limits upon the ownership of community radio services (see Annex A, Articles 6 and 7 of the Order). These disqualifications are set out in brief below (paragraph 4.2). Applicants should ensure that proposed ownership, and other aspects of the control of the station, complies fully with these requirements. Guidelines on the involvement of religious bodies are set out in Annex C. Ofcom will also wish to consider the constitutional structure and proposed governing membership of the applicant group, especially in so far as this may determine the effective control of the licence.

4.2 In brief, the Broadcasting Act 1990 specifies disqualifications which prevent individuals or bodies from becoming, or continuing as, licence holders or from participating in a community radio licence. Disqualified persons include:

- i. **Local authorities** may not hold licences except where the radio service is exclusively for the purposes of carrying out the functions of a local authority and providing information relating to their activities (see also section 349 of the Communications Act 2003). In all other cases they are limited to a 5% interest in any company which holds a radio licence (this refers to holding shares, and would not apply to grants from a local authority to a community radio licensee). An officer of a local authority is not restricted from involvement in a radio licence.
- ii. **Political bodies** may not hold licences and are limited to participating with a 5% interest in any company that does. However, an officer of a political body may participate in a community radio licence.
- iii. **The BBC and The Welsh Authority** may not hold a community radio licence.
- iv. **Advertising agencies** and their associates (including directors) may not hold licences and are limited to participating with a 5% interest in any company that does.
- v. Anyone who has been convicted of any offence for unauthorised broadcasting (**'pirate' broadcasting**) under the Wireless Telegraphy Act 2006 or Marine & Broadcasting (Offences) Act 1967 or of an offence under section 97 of the Broadcasting Act 1990 cannot be involved (in any capacity at all) in the operation of the radio licence or the making of programmes included in the licensed service for five years after the date of conviction.
- vi. **Religious bodies** and their associates may only hold licences if they have prior approval from Ofcom; for guidance please refer to Annex C.

4.3 The Community Radio Order specifies that a licence holder has to be a body corporate. It also states that a licence cannot be held by a BBC, Channel 4 or S4C company, nor a person (or company) who currently holds a Broadcasting Act licence, other than a licence to provide a community radio service, or a digital sound programme service, or a restricted service licence (radio or television), or a radio licensable content service (i.e. a satellite or cable service), or a television licensable content service, or a local digital television programme service.

4.4 In other words, holders of local or national commercial radio licences, all multiplex licences, digital additional service licences, additional service licences, channel 3, 4, and 5 and S4C television licences, television commercial additional

service licences, teletext licences and television digital programme service licences are all disqualified from controlling a community radio licence. The restrictions also apply to persons connected with the holders of such licences.

4.5 No company or organisation can hold more than one community radio licence. The restriction also applies to any body corporate which is connected with another such body which holds such a licence. For example, the connection can be via overlapping directorships and/or ownership of companies.

Fit and proper persons

4.6 Under the Broadcasting Act 1990, Ofcom cannot issue a licence to someone who is considered not to be a 'fit and proper' person. As the term 'fit and proper' is not defined in the Act, it is a matter for Ofcom's discretion as to whether it regards a person as not fit and proper to hold a licence. Should Ofcom be made aware of any evidence which suggests that an applicant may not be considered to be a 'fit and proper' person to hold a community radio licence, the applicant will be given a full opportunity to make representations before Ofcom reaches a decision.

Changes in composition

4.7 Ofcom reserves the right to revoke a licence after it has been awarded or granted if changes take place which affect the nature or characteristics of the licensee, or in the persons having control over or interest in the licence, such that they would have affected Ofcom's decision to award the licence had the changes occurred before the award. This does not mean that all changes in the ownership of a licensee are necessarily problematic. If there are changes to your licensee, you are advised to seek advice from Ofcom as soon as possible (see paragraph 1.8 for contact details). Prompt notification to Ofcom of any change in control will be required.

Transfer of a licence

4.8 A licence can only be transferred from one body to another with the written consent of Ofcom. The legislation stipulates that such consent shall not be given unless Ofcom is satisfied that the person (body or company) to whom it is proposed to transfer the Licence would be in a position to comply with all of the licence conditions throughout the remainder of the licence period. A licence transfer request can only be considered from the current holder of the licence. The person to whom it is proposed to transfer the licence will be asked to provide information about the company or body that will hold the licence, evidence of funds available to the new licence-holder to sustain the service going forward, and other information as deemed appropriate at the time of the request.

Financial information required from applicants

4.9 As referred to in paragraph 2.4, Ofcom requires applicants to supply information about their financial (and other) resources in order to assess their ability to maintain the proposed service (as required by section 105(1)(a) of the Broadcasting Act 1990). Ofcom will need to be assured that an applicant has access to adequate initial funding to establish the proposed service, and has made a realistic calculation of the expected levels of costs and revenue, so that the service is capable of delivering its 'Key Commitments'. In addition to this, licensees are required to report on their finances to Ofcom on an annual basis as part of the annual reporting process.

Advertising and sponsorship

4.10 The Order sets a limit on sources of income. In March 2015, the Community Radio (Amendment) Order 2015 changed the funding rules for community radio services. These are set out in detail in paragraphs 2.11-2.17. In summary:

- each station is allowed a 'fixed revenue allowance' of £15,000 per financial year from paid for on-air advertising and sponsorship;
- some stations may also allowed up to 50% of their total relevant income per financial year (i.e. disregarding the 'fixed revenue allowance') from paid-for on-air advertising and sponsorship, if certain qualifications apply.

4.11 Advertising may be broadcast in return for payment or other valuable consideration; both will count towards the limits set out above. The restrictions on income from advertising and sponsorship refer to the sponsorship of programmes included in the service, sponsorship of the station and to income from commercial communications in programming. Income from the sponsorship of anything that is not broadcast is excluded from these limits (for example, sponsorship of a station event, website or training scheme). Income from advertising that is not broadcast (such as on a station website) is also excluded from the legislative restrictions.

Donations and philanthropic support

4.12 The Order states that sponsorship "for purposes that are wholly or mainly philanthropic in nature" is also excluded from the restriction. Such 'sponsorship' is classified as a donation, and as such it may be briefly credited on-air but must be easily distinguishable from commercial sponsorship (it may not contain a sales message, for example, or be included as part of any commercial break carrying paid for spot-advertising). Such announcements are subject to Broadcasting Code rules. Ofcom would not consider funding/assistance to be philanthropic if it was dependent on the broadcaster acknowledging it on air (for example, under contractual funding arrangements).

Service level agreements

4.13 Service level agreements, or service contracts, under which, for example, a training scheme is paid for by the local council, are one way for community radio operators to engage with relevant statutory or voluntary sector organisations for the delivery of output of social benefit, in return for funding. These can help stations to deliver on their social gain objectives and attract income from non-commercial organisations. (Income from SLAs like those described does not count as advertising or sponsorship income and so is not subject to the limits referred to in paragraphs 4.10 & 4.11 above.)

Volunteer inputs

4.14 Some volunteer time may be counted as station income. Community radio station operators may wish to count volunteer inputs as part of their turnover because by offsetting volunteer input against other sources of income it allows for greater revenues to be obtained from on-air commercial sources. However, a community radio station cannot take 'income' only from a combination of on-air advertising and sponsorship, and volunteer inputs. Each station is allowed a 'fixed revenue allowance' of £15,000 per financial year from paid for on-air advertising and sponsorship; for those stations allowed to take an additional 50% of their total relevant income per financial year (i.e. disregarding the 'fixed revenue allowance') from paid-for on-air advertising

and sponsorship, a minimum of 25% of must come from sources other than on-air advertising and sponsorship revenues and the value of volunteer inputs taken together. In other words, for all income in excess of the fixed revenue allowance, at least 25% must come from 'other' sources (such as grants, donations, service level agreements etc.). See guidance on our website for further information:

https://www.ofcom.org.uk/data/assets/pdf_file/0026/23966/volunteerinput.pdf

Sources of funding

4.15 There must be no influence on the output of a service that is contrary to the public interest, including for political ends. If, in Ofcom's opinion a person ("person 1"), by giving financial assistance or otherwise, is influencing another's (e.g. an applicant's ("person 2") activities in a way that has led, is leading or is likely to lead, to results adverse to the public interest, then person 2 (whether a body or company) is not permitted to hold a licence.

4.16 Funding includes all annual income, as well as capital grants, loans and other forms of financial support, including service level agreements. It also includes the value of volunteer input (see paragraph 4.13 above) and other forms of 'in-kind' support.

4.17 Stations will be required to complete and submit a pro forma financial report each year (after they have completed one year of broadcasting). This will include information such as major sources of income, expenditure and funding, so that we can judge whether stations have stayed within the income and funding limits set by the legislation.

Broadcasting Act licence fees

4.18 Each licensee is required to pay an annual Broadcasting Act licence fee to Ofcom, according to a published tariff of fees, fixed and amended from time to time by Ofcom. Ofcom's Tariff Tables are available at: <https://www.ofcom.org.uk/about-ofcom/annual-reports-and-plans>. The tariff of annual Ofcom Broadcasting Act licence fees for community radio stations (as at April 2017) is as follows:

- A flat annual fee of £600; in addition,
- A station's total commercial revenue will be subject to the same tariff as that applied to commercial radio licences, which for the financial year 2017/18 has been set at 0.145% for relevant turnover up to £1m. Any amount due will be offset against the £600 already paid. Relevant turnover primarily includes income from the sale of on-air advertising and sponsorship (see 4.10 & 4.11) (less advertising agent's commission, if applicable).

Further information can be found in Ofcom's 'Statement of Charging Principles': <https://www.ofcom.org.uk/consultations-and-statements/category-1/statementofchargingprinciples> and the Tariff Tables: <https://www.ofcom.org.uk/about-ofcom/annual-reports-and-plans/tariff-tables>

4.19 It should be noted that Broadcasting Act licence fees for all radio broadcasters (analogue and digital, commercial, community and restricted service) are subject to review from time to time, and these fees may be subject to change at some point.

Wireless Telegraphy Act (WTA) licences and licence fees

4.20 Each licensee (or its transmission provider, on its behalf) must hold a Wireless

Telegraphy Act 2006 (WTA) licence. It is a statutory requirement of the WTA that stations or apparatus that transmit radio frequencies may only be established, installed or used under the authority of a WTA licence granted by Ofcom. The annual amount of the WTA licence fee (which is separate from, and additional to, the Broadcasting Act licence fee) is also payable to Ofcom. The WTA licence fee is £250 per annum. WTA licence fees for community radio are currently set by the Wireless Telegraphy Act (Licences Charges) Regulations 2005 (as amended by the Wireless Telegraphy Act (Licences Charges) (Amendment) Regulations 2007).

4.21 Separate WTA licences may also be needed for ancillary services equipment, microwave or outside broadcast links which make use of the radio spectrum. It is the responsibility of licensees to ensure that all appropriate licences are obtained (either by them or by their transmission provider) and that all relevant licence fees are paid.

Timing of licence fee payments

4.22 Both the Ofcom Broadcasting Act licence fee and the Wireless Telegraphy Act licence fee for the first year for each community radio service are payable prior to the beginning of the licence period, i.e. the date of the commencement of broadcasting. Subsequently fees must be paid annually in advance.

4.23 All fees are subject to alteration from time to time, and applicants are advised to check the level of fees in force at the time of applying for a licence.

Part 5: Engineering, coverage policy and technical matters

Coverage areas and power levels

5.1 For each station, in considering the appropriate transmission power level we take into account the station's target community, and where that community is situated.

5.2 For services broadcasting on FM, terrain, site choice and other local factors may well cause unacceptably low signal levels in some locations within the licensed coverage area. However, levels of incoming interference may often exceed those considered acceptable for commercial radio. Limits on powers and frequencies are also a statutory condition of the WTA licence for each transmitter.

5.3 On FM, typically an effective radiated power (e.r.p.) of 25 watts will be used in the vertical plane. This may typically be supplemented by an additional 25 watts in the horizontal plane, if required by the applicant and local circumstances permitting. The actual power level required to reach the target community will depend primarily on aerial height. Because greater aerial height is generally the most effective approach to securing better coverage, a higher site may result in a lower e.r.p.

5.4 Applicants are advised to secure professional advice on the coverage which their proposals are likely to achieve. Applicants may of course make comments on issues which arise from coverage predictions, in relation to their particular objectives. Applicants should note that a large majority of community radio services will, to a lesser or greater extent, be interference limited.

Availability of FM frequencies

5.5 We will accept applications for services proposing to operate on FM throughout the areas and localities identified in each round of licensing. We are not excluding any areas from the applications process on frequency availability grounds as we have done in the past. However, applicants should note that there is a shortage of suitable FM frequencies in many parts of the UK, in particular Greater London and other major conurbations i.e. Manchester, Birmingham. Because of this, all applications will first be assessed for frequency availability before any further analysis is undertaken, to ensure that only those applications for which there is an available frequency will be considered for the award of a community radio licence. This is likely to result in some applications being rejected before a full assessment against the statutory criteria has been carried out, but will ensure that only those applications for which a suitable frequency has been identified are further considered against the statutory criteria (For further details see the 'invitation of applications' document for each round, on our website at <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence> .

5.6 Applicants should also note that Ofcom does not guarantee the availability of an FM frequency for any applicant, in any part of any area even if the area is one in which some FM frequencies may be available. Amongst others, one thing this may depend on is the applicant's chosen transmitter site (see below). All applications are assessed on that basis.

5.7 Applicants and existing licensees should note that the general scarcity of spectrum means that it will, in most parts of the UK, not usually be possible to add more resources (power, relays) to a community radio licence during its currency.

Information from applicants

5.8 Applicants should detail in their application the exact location of the transmitter (as a national grid reference of two letters and six figures, backed up by a photograph or photographs). They should indicate on the photograph where the transmitting aerial(s) is to be mounted, the height above ground this represents, and also the status of any negotiations with the site/mast owners about the agreements for site access and relevant facilities. Again, we re-iterate that Ofcom does not guarantee the availability of a suitable frequency for any applicant and/or our ability to allocate it for broadcasting from the chosen transmission site.

5.9 On receipt of an application we will use the proposed transmission site to check the availability of frequencies in that area to determine whether the proposed service area can be adequately served from this site. As a result, applicants should note the importance of identifying a transmission site that is suitable for the area they wish to serve. Furthermore, a licence award will be made on the basis of the transmission site included in the application (and on which the assessment of coverage suitability and frequency availability will have been based). Therefore, Ofcom is highly unlikely to agree to any request to change a transmission site once a licence has been awarded, unless the change is as a result of circumstances beyond the prospective licensee's control.

Frequency clearance

5.10 If awarded a licence, successful applicants must forward details of the type (and specification) of antenna to be used, and if other than a free standing omni-directional element, its dimensions and those of any significant associated metalwork, including mast or any supporting pole(s) or railings. Ofcom requires licensees to produce antenna patterns in advance of this, as these factors will have a bearing on coverage and the size of transmitter required. It is anticipated that, other than for the simplest of designs, NEC computer modelling of the antenna and its supporting structure and immediately surrounding metalwork will be required.

5.11 By this stage, all issues of site access and facilities, as well as planning permission, should have been settled. Any subsequent changes may need the clearance process (and timescales) to be re-initiated (and it may not be possible to achieve them). As a general guide, national and international clearance procedures, that is, obtaining agreement from other users of the spectrum to the use of a frequency, take, generally, up to six months from the date that all the required information is submitted by the operator to Ofcom.

5.12 We will also use the data provided to generate a WTA licence. The relevant WTA licence will not be granted until all the relevant details are settled. It is an offence under the WTA to establish, install or use stations or apparatus except under the authority of a WTA licence.

Engineering Code

5.13 Transmissions will be required to conform to Ofcom's Engineering Code (site engineering code for analogue radio broadcast transmission systems), which is available

on the Ofcom website https://ofcom-build.squiz.co.uk/_data/assets/pdf_file/0017/37133/code2013.pdf

For more information about coverage, applicants may also find it useful to read the Ofcom engineering document entitled 'Coverage and planning policy for analogue radio broadcasting'. This can be found on the Ofcom website at:

https://www.ofcom.org.uk/_data/assets/pdf_file/0018/54621/analogue-coverage-policy.pdf

Test transmissions and commissioning

5.14 It is recommended that approximately a two-week period is allocated for initial test transmissions, during which time equipment can be commissioned and any problems resolved prior to launch (test transmissions may last for up to four weeks). Ofcom engineers will aim to attend at the start of this period to carry out regulatory checks, but where this is not possible it may be permitted for a station to commence radiating in advance, provided suitable evidence that transmissions are compliant with the Engineering Code is submitted at the time, by the licensee. However, the required tests to ensure this is the case require specialist test equipment and expertise. If these are not available, it is important to book a commissioning visit by Ofcom engineers at the earliest realistic opportunity so as to ensure that transmissions will be allowed to commence when required. Please see the flow chart on the next page for guidance on radio station transmission routes to launch and the commissioning process. (All transmission systems require to be tested for compliance with Ofcom's Engineering Code and associated Wireless Telegraphy and Broadcasting Act licence conditions prior to coming into service. This is referred to as 'commissioning'.)

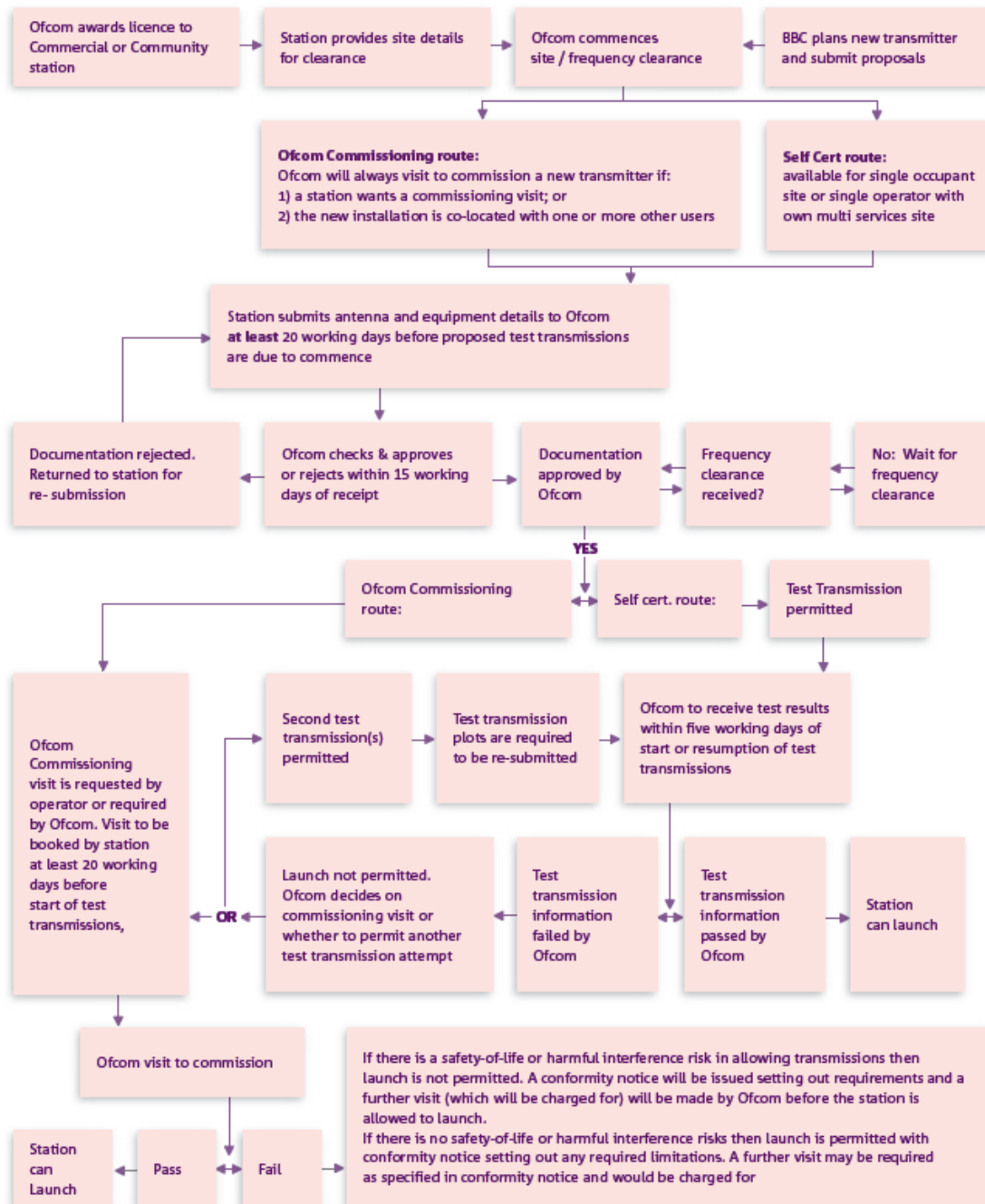
RDS

5.15 If you intend to transmit a Radio Data System (RDS) signal, you should ask us to allocate a Programme Identification code. All RDS data must be accurate, and in accordance with the specification (IEC 62106). (Applicants should note that in the rare circumstances where Ofcom licenses a station to operate in mono only, rather than stereo, it will not be possible for the service to transmit RDS. However, for those services licensed for stereo broadcasting but which choose to broadcast in mono RDS should still be available.)

Radio links

5.16 If your studio and transmitter(s) are going to be at different locations, you will need some method of sending programme audio between the various points involved. This can be via one of a variety of methods, such as a leased land-line, Internet Protocol (IP) connection or radio link. If you decide to use a radio link, this will normally require a WTA licence. Applications for radio link licences should be made to Ofcom. Enquiries should be sent to pmse@ofcom.org.uk.

Radio Station Transmission Routes to Launch



Part 6: General requirements, licence obligations and background information

Declaration

6.1 Applicants are required to make a declaration to Ofcom. The declaration covers various legal issues which Ofcom needs to know about in order to ensure that we are legally able to grant you a broadcasting licence, should you be successful in your application. It is included at the end of the application form. Successful applicants will be required to sign and return a copy of the formal 'Original Declaration' form before the scheduled start of broadcasting, and in any event before the grant of a licence, to the effect that the licensee complies with all the provisions of the Broadcasting Acts, Communications Act and Community Radio Order.

Annual finance report

6.2 An annual finance report is required from each licensee, once they have been broadcasting for more than one year, to check whether stations are operating within the income limits set by the legislation and in their licence conditions (see paragraphs 2.13-2.17, 4.10 & 4.11). There is a pro forma for the financial report that each station will need to submit. It includes information such as major sources of income and expenditure. In addition, we require some numerical information about the provision of the service. This includes the average number of original programming hours per week, the total number of volunteers involved during the year, weekly volunteer hours and numbers of people trained. As well as for checking compliance with funding rules, the information provided by stations is used to compile an annual report on the sector, which is published on Ofcom's website as part of the Communications Market Report: <https://www.ofcom.org.uk/research-and-data/cmnr/communications-market-reports>. Applicants for licences may find it useful to read the relevant sections of these reports which summarise sector income, costs and some key commitments delivery (based on those stations reporting in the period in question).

'Key Commitments' file

6.3 Licensees should keep up-to-date information on their delivery of their Key Commitments and financial records on file for examination, should Ofcom need to see this information. In the event of Ofcom receiving a complaint that we need to assess¹ or if we wish to understand how a particular station is delivering its Key Commitments, we would ask for an explanation and evidence of what the station is doing, when and how. In addition to the specific Key Commitments listed in their licence, community radio licensees are also expected to keep on file a record of their activities in relation to the provision of social gain, participation in the service and accountability, given these requirements also form part of the Key Commitments. This file will help ensure that the station holds a complete record at all times of the work it has undertaken towards achievement of its licence obligations.

¹ Complaints about a licensee's compliance with its Key Commitment or other licence conditions are assessed under Ofcom's 'General procedures for investigating breaches of broadcast licences', available at: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>

Station identification

6.4 We ask for the station's on-air name upon application and, once licensed, for prior notification if it is to change. Ofcom has no jurisdiction over trademarks or intellectual property, therefore notifying Ofcom of a station name does not confirm the right to use it. It is the responsibility of the licensee to check the legal implications of using a particular station name or identification. Names that may cause confusion or offence should be avoided. Applicants may find it useful to access the UK Patent Office's website, to check whether their proposed name has already been trademarked (www.ipo.gov.uk/).

Arrangements with other broadcasters

6.5 Ofcom is required to put conditions in a community radio licence that ensure that the licence holder does not enter into, or remain subject to, any arrangement which allows another holder of a Broadcasting Act licence or the BBC or the Welsh Authority to exercise an undue influence over the nature and content of the programmes included in the community radio service.

Supply of information

6.6 The licence will contain provisions requiring the licensee to furnish Ofcom with such information as it may require for the purpose of exercising the functions assigned to it under the Broadcasting Acts, the Communications Act and the Community Radio Order. This includes but is not limited to providing documents such as accounts estimates and returns, advance notice of change of control, and annual reports as requested.

Other licence conditions

6.7 Ofcom can also include in licences other conditions such as those that appear to us to be appropriate to:

- meet our duties under the Broadcasting Act 1990 and the Communications Act 2003; and
- deal with incidental and supplemental matters.

An example of a standard form community radio licence is at https://www.ofcom.org.uk/data/assets/pdf_file/0019/13168/crlicence.pdf (though this is illustrative only, not a guarantee of the terms of the licence any applicant will be granted).

Sanctions

6.8 Ofcom is empowered to apply specific penalties in respect of breaches of licence conditions. This includes breaches of key commitments and requirements set out in the codes which the licensee is required by the licence to comply with. These sanctions include the power to direct a licensee to broadcast a statement of findings, to impose financial penalties, to shorten the licence period, suspend the licence, or to revoke the licence.

6.9 The imposition of a statutory sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a statutory sanction if, for example, it believes that a licensee has repeatedly, deliberately or seriously breached the terms of its licence conditions, or Ofcom's Codes (though our powers are not limited to those cases and we

may exercise them in others). Where a station is found to be in breach, the degree to which any penalty is applied must be appropriate and proportionate to the contravention in respect of which it is imposed. In addition Ofcom must have regard to any representations made to them by or on behalf of the regulated station concerned.

Illegal broadcasters

6.10 As set out in paragraph 4.2 (v) anyone convicted in the past five years of an unlicensed broadcasting offence is disqualified from holding an Ofcom licence. Furthermore, every licensee must, according to the conditions of their licence, do all it reasonably can to ensure that no-one so disqualified is concerned in the operation of the station or the making of programmes included in the licensed service.

Copyright

6.11 Each licensee will need to enter into agreements with the copyright licensing bodies before commencing broadcasting. Copyright legislation gives to the owner of the copyright in a musical work the right to authorise a number of specific acts in relation to that work, among them the rights to broadcast the work (whether directly from a live performance or from a recording) and to make a recording of the work. The broadcasting right in virtually all copyright music (whatever its national origin or means of performance) is licensed in the United Kingdom by the Performing Right Society (PRS), whose members are the composers, lyricists, arrangers and publishers of music. The address of MCPS-PRS Alliance is 29-33 Berners Street, London W1P 4AA 222. (www.prsformusic.com).

6.12 In addition, a separate right is granted to the makers of sound recordings. The right to broadcast copyright records is licensed on behalf of most record manufacturers by Phonographic Performance Ltd (PPL), whose address is 1 Upper James Street, London W1F 9DE (www.ppluk.com).

Sector body

6.13 The Community Media Association provides advice, information, training and consultancy for non-profit-maximising community-based radio projects; its address is The Workstation, 15 Paternoster Row, Sheffield S1 2BX (www.commedia.org.uk).

Annex A

COMMUNITY RADIO ORDER 2004

This is a reproduction of the Order without the accompanying schedule which modifies certain provisions of the Broadcasting Act 1990 and the Communications Act 2003, so far as they relate to community radio. See annex B for the provisions of the Broadcasting Act 1990 and Communications Act 2003 that have been modified by the schedule (and further modified by the Community Radio (Amendment) Order 2010.

Citation and commencement

1. - (1) This Order may be cited as the Community Radio Order 2004.

(2) This Order shall come into force on the day after the day on which it is made.

Interpretation

2. - (1) In this Order -

"the 1990 Act" means the Broadcasting Act 1990;

"the 2003 Act" means the Communications Act 2003;

"community" means -

(a) the persons who live or work or undergo education or training in a particular area or locality, or

(b) persons who (whether or not they fall within paragraph (a)) have one or more interests or characteristics in common;

"community radio licence" means a licence under Part 3 of the 1990 Act (as it has effect by virtue of this Order) to provide a community radio service;

"community radio service" means a local service having the characteristics set out in article 3;

"coverage area" means, in relation to a service provided under a local sound broadcasting licence, the area in the United Kingdom within which that service is capable of being received at a level satisfying such technical standards as have been laid down by OFCOM for the purposes of Part 2 of the Media Ownership (Local Radio and Appointed News Provider) Order 2003 in relation to such a service;

"local authority" has the meaning given in paragraph 1(1) of Part 1 of Schedule 2 to the 1990 Act;

"local service", "national service" and "restricted service" each has the meaning given in section 245(4) of the 2003 Act;

"potential audience" means, in relation to any local service, the persons who reside within the coverage area for that service;

"social enterprise" means a business which has as its primary objective the support of one or more projects of a social nature (rather than the production of a financial profit);

"social gain" has the meaning given by paragraph (2).

(2) In relation to a community radio service, "social gain" means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives -

- (a) the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
- (b) the facilitation of discussion and the expression of opinion,
- (c) 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
- (d) the better understanding of the particular community and the strengthening of links within it,

and may also include the achievement of other objectives of a social nature and, in particular, those mentioned in paragraph (3).

(3) Those objectives are –

- (a) the delivery of services provided by local authorities and other services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities;
- (b) the promotion of economic development and of social enterprises;
- (c) the promotion of employment;
- (d) the provision of opportunities for the gaining of work experience;
- (e) the promotion of social inclusion;
- (f) the promotion of cultural and linguistic diversity;
- (g) the promotion of civic participation and volunteering.

(4) For the purposes of this Order, two local sound broadcasting licences overlap if (but only if) the potential audience of the service provided under either of those licences includes 50 per cent. or more of the potential audience of the service provided under the other licence.

(5) In this Order, in relation to any service which is intended to serve more than one community, any reference to the community which that service is intended to serve shall be taken to include a reference to every such community.

(6) In this Order, one person shall be treated as being connected with another person if he would be so treated for the purposes of Schedule 2 to the 1990 Act.

Characteristics of community radio services

3. - (1) It is a characteristic of community radio services that they are local services provided primarily -

(a) for the good of members of the public, or of particular communities, and

(b) in order to deliver social gain, rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service.

(2) It is a characteristic of every community radio service that it is intended primarily to serve one or more communities (whether or not it also serves other members of the public).

(3) It is a characteristic of every community radio service that the person providing the service -

(a) does not do so in order to make a financial profit by so doing, and

(b) uses any profit that is produced in the provision of the service wholly and exclusively for securing or improving the future provision of the service, or for the delivery of social gain to members of the public or the community that the service is intended to serve.

(4) It is a characteristic of every community radio service that members of the community it is intended to serve are given opportunities to participate in the operation and management of the service.

(5) It is a characteristic of every community radio service that, in respect of the provision of that service, the person providing the service makes himself accountable to the community that the service is intended to serve.

Application of broadcasting legislation

4. The provisions of the 1990 Act and the 2003 Act shall have effect in relation to a community radio service with the modifications set out in the Schedule.

Amendment of the Media Ownership (Local Radio and Appointed News Provider) Order 2003

5. The Media Ownership (Local Radio and Appointed News Provider) Order 2003 shall be amended by inserting after article 2 the following article -

" Community radio licences

2A. Nothing in this Order shall apply in respect of -

(a) any local sound broadcasting service that is a community radio service, as defined by article 2(1) of the Community Radio Order 2004, or

(b) any licence to provide such a service."

Disqualified persons

6. - (1) In addition to the modifications made by article 4 of, and the Schedule to, this Order, Part 2 of Schedule 2 to the Broadcasting Act 1990 shall have effect in relation to community radio licences as if the persons who are disqualified persons by virtue of that Part of that Schedule included, in relation to such licences, any person falling within paragraph (2).

(2) Those persons are -

- (a) any person who is not a body corporate;
- (b) any body corporate falling within paragraph (3); and
- (c) any C4 company or S4C company that would not otherwise be a disqualified person by virtue of paragraph (3).

(3) A body corporate falls within this paragraph if -

- (a) that body holds at least one relevant Broadcasting Act licence, or
- (b) that body is connected with a person who holds one or more such licences.

(4) In this article, a relevant Broadcasting Act licence is a Broadcasting Act licence which is not a licence to provide one of the following services -

- (a) a community radio service;
- (b) a digital sound programme service;
- (c) a restricted service;
- (d) a radio licensable content service;
- (e) a restricted television service;
- (f) a television licensable content service.

Restrictions on holding of community radio licences

7. - (1) No body corporate may hold more than one community radio licence at any one time.

(2) For the purposes of this article, any body corporate which is connected with another such body which holds such a licence shall be treated as if it also were a holder of that licence.

Secretary of State for Culture Media and Sport

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Annex B

KEY SECTIONS OF THE BROADCASTING ACT 1990

This annex sets out the sections of the Broadcasting Act 1990 (as amended by the Communications Act 2003) that have been modified by the Community Radio Order 2004, and further modified by the Community Radio (Amendment) Order 2010 and the Community Radio (Amendment) Order 2015.

Licences

Section 86 – Licence under Part III

- (1) [Unchanged by the Order]
- (2) [Unchanged by the Order]
- (3) A licence to provide a community radio service must specify a period of no more than five years as the period for which it is to be in force.
- (4) – (9) [Unchanged by the Order]

Applications for licences

Section 104

- (1) Where OFCOM propose to grant a licence to provide a community radio service, they shall publish, in such a manner as they consider appropriate, a notice-
 - (a) stating that they propose to grant such a licence;
 - (b) specifying any areas or localities in the United Kingdom in relation to which no applications may be made;
 - (c) inviting applications for the licence and specifying the closing date for applications; and
 - (d) stating the fee payable on any application made in pursuance of the notice.
- (2) Any application made in pursuance of a notice under subsection (1) must be in writing and accompanied by –
 - (a) the fee specified in the notice under paragraph (d) of that subsection;
 - (b) the applicant's proposals for providing a service that would –
 - (i) cater for the tastes and interests of persons comprising the relevant community or for any particular tastes and interests of such persons,
 - (ii) broaden the range of programmes available by way of local services to persons comprising of that community';

- (iii) broaden the range of local services provided in the area or locality in which the proposed service would be provided, and
 - (iv) be of a nature or have a content distinct from that of any local service the licence for which would overlap with that for the proposed service;
- (ba) evidence that the provision of the service will result in the delivery of significant social gain to the public or the relevant community;
- (c) such information as OFCOM may reasonably require-
- (i) as to the applicant's present financial position and his projected financial position (with regard, in particular, to the number and nature of any persons from whom he proposes to receive the income required to provide the proposed service and the proportion of that income that he proposes to receive from each of those persons) during the period for which the licence would be in force, and
 - (ii) as to the arrangements which the applicant proposes to make for, and in connection with, the transmission of his proposed service, and
 - (iii) as to the effect that the provision of the service would be likely to have on the economic viability of any other local service;
- (d) such other information as OFCOM may reasonably require for the purpose of considering the application.
- (3) At any time after receiving such an application and before determining it OFCOM may require the applicant to furnish additional information under subsection (2)(b), (ba), (c) or (d).
- (4) OFCOM shall, at the request of any person and on the payment by him of such sum (if any) as OFCOM may reasonably require, make available for inspection by that person any information furnished under subsection (2) (b) or (ba) by the applicants for a community radio licence.
- (5) [repealed]
- (6) [Unchanged by the Order]
- (7) In this section and sections 105 and 106 "programme" does not include an advertisement.

Sections 104 (a) renewal of local licences and 104B (b) (special application procedure) shall not have effect.

Grant of Licences

Section 105

- (1) Where OFCOM have published a notice under section 104 (1), they shall, in determining whether, or to whom, to grant the community radio licence in question, having regard to the following matters, namely –
 - (a) the ability of each of the applicants for the licence to maintain, through the period for which the licence would be in force, the service which he proposes to provide;
 - (b) the extent to which any such proposed service would cater for the tastes and interests of persons comprising the relevant community, and, where it is proposed to cater for any particular tastes and interests of such persons, the extent to which the service would cater for those tastes and interests;
 - (c) the extent to which any proposed service would broaden the range of programmes available by way of local services to persons living in the area or locality in which it would be provided, and, in particular, the extent to which the service would be of a nature or have a content distinct from that of any other local service the licence for which would overlap with the licence for the proposed service;
 - (d) the extent to which there is evidence that, amongst persons living in that area or locality, there is a demand for, or support for, the provision of the proposed service;
 - (e) the extent to which the provision of any such proposed service would result in the delivery of social gain to the public or relevant community;
 - (f) the provision that each of the applicants proposes to make in order to render himself accountable to the relevant community in respect of the provision of the proposed service;
 - (g) the provision of each of the applicants proposes to make to allow for access by members of the relevant community to the facilities to be used for the provision of the service and for their training in the use of those facilities.
- (2) [Revoked]
- (3) Where OFCOM have published a notice under section 104 (1), in the case of a proposal of their to grant a licence to provide a community radio service or where OFCOM is considering a variation of such a licence under section 86(5) to include conditions set out in subsection (5), they shall, in determining-
 - (a) whether, or to whom, to grant the licence in question (or, as the case may be, whether to vary the licence in question pursuant to section 86(5)), and

- (b) if they grant it, the terms on which it is granted (or, as the case may be, the terms of the variation of the licence in question pursuant to section 86(5)),

have regard to the need to ensure that any service provided under that licence does not prejudice unduly the economic viability of any other local service, other than a community radio service.

- (4) Without prejudice to the generality of subsection (3) –

- (a) [revoked]
- (b) subject to paragraph (c), every licence to provide a community radio service that overlaps with any other licence, other than a community radio service, the potential audience of which includes no more than 150,000 persons who have attained the age of 15 years must contain such conditions as appear to OFCOM to be appropriate for ensuring that the relevant income for that community radio licence as is attributable to any arrangements for—

- (i) the inclusion in that service of any remunerated advertisement, and

- (ii) the sponsorship of any programmes included in that service, does not, in any financial year of the licence holder, exceed £15,000;

- (c) every licence to provide—

- (i) a community radio service that overlaps with any other local licence for a service, other than a community radio service, the potential audience of which includes no more than 150,000 persons who have attained the age of 15 years, where that local licence has at any time been varied pursuant to section 106(1A)(e)(c), or

- (ii) a community radio service, other than a service such as falls within paragraph (b),

must contain the conditions mentioned in subsection (5).

- (5) Subject to subsection (6), the conditions referred to in subsection (4)(c) are those that appear to OFCOM to be appropriate, in the case of the community radio licence in question, for—

- (a) permitting the relevant income for that licence attributable to any arrangements for—

- (i) the inclusion in the service provided under that licence of any remunerated advertisement, or

- (ii) the sponsorship of any programmes included in that service, to include the sum of £15,000 per financial year of the licence holder (“the fixed revenue allowance”); and

(b) ensuring that where the relevant income attributable to the arrangements set out in paragraph (a) exceeds the fixed revenue allowance in any financial year of the licence holder, any such relevant income in excess of the fixed revenue allowance does not exceed 50% of the total relevant income (disregarding the fixed revenue allowance) for that licence in that year.

(5A) The Secretary of State may, from time to time, request OFCOM to review whether the £15,000 figure in subsections (4)(b) and (5) remains appropriate.

(6) OFCOM may include conditions in a licence to provide community radio services falling within subsection (4)(c), which modify the percentage of the total relevant income referred to in subsection (5), if it appears necessary to secure the result that—

- (a) the inclusion in any community radio service of remunerated advertising;
or
- (b) the sponsorship of programmes included in that service,

do not prejudice unduly the economic viability of any other local service (other than a community radio service).

(c) is such as to secure that 50 per cent. of that income, or some lesser proportion of it, is attributable to the arrangements mentioned in subsection (5) (a) and (b).

(7) In this section –

“relevant income”, in relation to any “community radio licence, means any payment or other financial benefit (whether direct or indirect) attributable to the provision of the service under that licence which any relevant person has received, will receive or is or will be entitled to receive in the financial year in question;

“relevant person”, in relation to a community radio licence, means the holder of that licence and every person who is connected with him; and

“remunerated advertisement”, in relation to a service provided under a community radio licence, means any advertisement included in that service for which any relevant person has received, will receive or is or will be entitled to receive, any payment or other financial benefit (whether direct or indirect) in consideration for so including it.

(8) Any reference in this section to sponsorship does not include a reference to any payment made, or other financial benefit (whether direct or indirect) conferred, by a person for purposes that are wholly or mainly philanthropic in nature.

Requirements as to character and coverage of services

Section 106

(1) A community radio shall 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 his application, is maintained during the period for which the licence is in force.

- (1A) Conditions included in a licence for the purposes of subsection (1) may provide that OFCOM may consent to a departure from the character of the licensed service if, and only if, they are satisfied –
- (a) that the departure would not substantially alter the character of the service;
 - (b) that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons comprising the relevant community;
 - (c) [omitted for community radio licences];
 - (d) that, there is evidence that, amongst persons comprising that community, there is a significant demand for, or significant support for, the change that would result from the departure;
- (da) 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; or
- (db) that the departure would not be prejudicial to the delivery of social gain resulting from the provision of the service provided under that licence.
- (1B) The matters to which OFCOM must have regard in determining for the purposes of this section the character of a service provided under a community radio licence include, in particular, the selection of spoken material and music in programmes included in the service.
- (1C) Without prejudice to the generality of subsection (1), a community radio licence shall include such conditions as appear to OFCOM to be appropriate for securing that the holder of the licence does not enter into, or remain subject to, any arrangement if an effect of that arrangement is to allow another holder of a Broadcasting Act licence or the BBC or the Welsh Authority to exercise an undue influence over the nature and content of the programmes included in the service provided under that licence.
- (1D) In subsection (1C), “arrangement” includes any agreement or arrangement with one or more other persons, whether or not it is, or is intended to be, legally enforceable.
- (2) Without prejudice to the generality of the provisions in subsections (1) to (1D), a community radio licence shall include such conditions as OFCOM consider are appropriate to ensure that the licence holder provides the service described in the application for that licence.
- (3) [Unchanged by the Order]
- (4) Subject to subsection (5), OFCOM may, if they think fit, authorise the holder of a community radio licence, by means of a variation of his licence to that effect, to provide the licensed service for any additional area or locality adjoining the area or locality in which that service has previously been licensed to be provided.
- (5) OFCOM shall only exercise the power conferred on them by subsection (4) if it appears to them –

- (a) that to do so would not result in a significant increase of the area or locality in which the service in question is licensed to be provided; or
 - (b) that the increase that would result is justifiable in the exceptional circumstances of the case.
- (6) As soon as practicable after OFCOM have exercised that power in relation to any service, they shall publish, in such manner as they consider appropriate, a notice –
 - (a) stating that they have exercised that power in relation to that service; and
 - (b) giving details of the additional area or locality in which that service is licensed to be provided.
- (7) In this section “relevant independent radio services” means the following services so far as they are services falling to be regulated under section 245 of the Communications Act 2003 –
 - (a) sound broadcasting services;
 - (b) radio licensable content services;
 - (c) additional services;

but, in relation to a departure from the character of a service provided under a community radio licence, does not include a service that is provided otherwise than wholly or mainly for reception by persons comprising the relevant community in question.

Section 106ZA

- (1) Before deciding for the purposes of a condition imposed under subsection (1A) of section 106 whether to consent to a departure from the character of a service provided under a community radio licence on any of the grounds mentioned in paragraphs (b), (d), (da) and (db) of that subsection, OFCOM must publish a notice specifying—
 - (a) the proposed departure; and
 - (b) the period in which representations may be made to OFCOM about the proposal.

[Definitions of certain terms are also inserted into section 126 of the 1990 Act and some modifications are made to Schedule 2 to that Act for the purposes of community radio. Applicants should consult the 2004 Order for details.]

KEY SECTIONS OF THE COMMUNICATIONS ACT 2003

Section 245

- (1) [Unchanged by the Order]
- (2) [Unchanged by the Order]
- (3) [Unchanged by the Order]
- (4) For the purposes of this section—
 - (a) [Unchanged by the Order]
 - (b) [Unchanged by the Order]
 - (ba) a service is a community radio service if it is a local service having the characteristics set out in article 3 of the Community Radio Order 2004.

[Section 253 no longer applies to community radio]

Section 253A

- (1) A person who holds a community radio licence is entitled to apply to OFCOM, in accordance with the following provisions of this section, for two extensions of the licence.
- (2) The period for which a licence may be extended on such an application is a period ending not more than five years after the date the relevant licence would otherwise expire.
- (3) An application under subsection (1) may only be made in the period which—
 - (a) begins eighteen months before the date on which the licence would otherwise expire; and
 - (b) ends six months before that date.
- (4) An application under subsection (1)—
 - (a) must be made in such manner,
 - (b) must contain such information about the applicant, the applicant's business and the service the applicant proposes to provide, and
 - (c) must be accompanied by such fee (if any),as OFCOM may determine.
- (5) If, on an application for an extension under subsection (1), OFCOM are satisfied as to the matters mentioned in subsection (6), they shall modify the licence by extending the period for which the licence is to be in force by such period authorised by subsection (2) as they think fit.
- (6) Those matters are—
 - (a) the ability of the licence holder to maintain the service for the period of the extension; and

(b) the likelihood of a contravention by the licence holder of a requirement imposed by a condition included in the licence by virtue of section 106 of the 1990 Act.

Sections 314, 355 and 356

Sections 314 (character and content of services), 355 and 356 (variation of licences following change of control) shall not have effect [in relation to community radio].

Annex C

GUIDANCE ON THE INVOLVEMENT OF RELIGIOUS BODIES

(Part 2, Schedule 2, Broadcasting Act 1990 & Part 4, Schedule 14, Communications Act 2003) [and Part 4, Schedule 14 to the Communications Act 2003]

1. This guidance applies to any applicant for a broadcasting licence:
 - a) whose objects are wholly or mainly of a religious nature;
 - b) that is controlled by a body or bodies whose objects are wholly or mainly of a religious nature;
 - c) that controls a body whose objects are wholly or mainly of a religious nature;
 - d) that is an associate of a body corporate whose objects are wholly or mainly of a religious nature;
 - e) that is a body corporate in which a body falling within paragraph 1(a) to (d) holds more than a 5 per cent interest;
 - f) who is an individual who is an officer of a body falling with paragraph 1(a); or
 - g) that is a body which is controlled by one or more individuals falling within paragraph 1(f).

2. Ofcom will consider applications from bodies described in paragraph 1 for the following broadcasting licences in accordance with the guidance set out in this note:
 - a) a restricted (television) service licence within the meaning of Part 1 of the Broadcasting Act 1990;
 - b) a digital (television) programme service licence within the meaning of section 18 of the Broadcasting Act 1996 for the purposes of Part 1 of that Act;
 - c) a digital (television) additional service licence within the meaning of section 25 of the Broadcasting Act 1996 for the purposes of Part 1 of that Act;
 - d) a television licensable content service licence within the meaning of Part 3 of the Communications Act 2003;
 - e) a local analogue sound programme service licence within the meaning of section 245 of the Communications Act 2003;
 - f) a restricted (radio) service licence within the meaning of section 245 of the Communications Act 2003;
 - g) a radio licensable content service licence within the meaning of section 247 of the Communications Act 2003;
 - h) a local or national digital sound programme service licence within the meaning of section 60 of the Broadcasting Act 1996 for the purposes of Part 2 of that Act; and
 - i) a digital additional sound service licence within the meaning of section 64 of the Broadcasting Act 1996 for the purposes of Part 2 of that Act.

3. In accordance with paragraph 2(1A) of Part 2 of Schedule 2 to the Broadcasting Act 1990 (as amended by the Communications Act 2003), religious bodies are not eligible to hold the following licences:
 - a) a Channel 3 licence;
 - b) a Channel 5 licence;

- c) a national sound broadcasting licence;
- d) a public teletext licence;
- e) an additional television service licence;
- f) a television multiplex licence; or
- g) a radio multiplex licence.

4. Pursuant to paragraph 2(1) of Part II of Schedule 2 to the Broadcasting Act 1990, paragraphs 9 and 10 [*Articles 9 and 10*] of Schedule 1 to the Human Rights Act 1998, and paragraph 15 of Schedule 14 to the Communications Act 2003, Ofcom will consider the appropriateness of religious bodies to hold Broadcasting Act licences provided they do not:

- a) practise or advocate illegal behaviour;
- b) practise or advocate behaviour which is injurious to the health or morals of participants or others;
- c) practise or advocate behaviour which infringes the rights and freedoms of participants or others;
- d) pose a threat to public safety;
- e) pose a threat to national security or territorial integrity; or
- f) threaten the authority and impartiality of the judiciary.

5. Ofcom will also require to be satisfied that the applicant meets the requirements placed upon all prospective licensees, including the requirements:

- a) to be a fit and proper person (section 3(3) [*and 86(4) for radio*] of the Broadcasting Act 1990). This requirement will also apply to the directors and chief officers of any corporate body intended to hold the licence, and of any person or associated corporate body of the applicant deemed to have control of the applicant for the purposes of section 357 of the Communications Act 2003 [*and Schedule 2 of the Broadcasting Act 1990*];
- b) in accordance with section 3(7) of the Broadcasting Act 1990, to be in a position to comply with other licence conditions placed upon broadcasters, including compliance with:
 - i) Ofcom's fairness and privacy requirements (section 107 of the Broadcasting Act 1996);
 - ii) complaints handling procedures (section 328 of the Communications Act 2003);
 - iii) obligations to retain and produce recordings (section 334 of the Communications Act 2003);
 - iv) relevant international obligations (section 335 of the Communications Act 2003);
 - v) equal opportunities and training requirements (section 337 of the Communications Act 2003); and
- c) to comply with the media ownership rules applying from time to time in accordance with Schedule 14 of the Communications Act 2003.

6. Ofcom may seek evidence from the applicant and advice from other parties on the matters referred to in paragraphs 1, 4 and 5 above before making a determination. In the event that the applicant makes false or incomplete representations, Ofcom may revoke the licence in accordance with relevant provisions of the Broadcasting Act 1990 if it has been issued, or if a licence has not been issued, may determine that it is not appropriate for the applicant to hold one.

7. If, having made a determination under paragraph 15 of Schedule 14 to the Communications Act 2003 that a body defined in paragraph 1 may hold one or more of the licences described in paragraph 2 above, Ofcom are satisfied that a licensee:

- a) is in breach of the restrictions set out in paragraph 4 above;
- b) is no longer a fit and proper person;
- c) is in breach of the media ownership rules referred to in paragraph 5(c) above; or
- d) has committed a breach of its licence conditions that is serious enough to warrant licence revocation,

it may revoke that determination. In that event, the licensee shall cease to be eligible to hold the licence and its licence will be revoked.

Annex D

Frequently asked questions

Q. What is community radio?

Community radio stations are radio services which provide community benefits and run on a not-for-profit basis. Generally stations are focused on broadcasting to and involving their own particular target community - either everyone in the broadcast area or a community of interest (such as a particular ethnic group, age group or interest group). They involve local volunteers in providing the service, and bring community benefits such as training and community news and discussion. They generally have a small coverage area.

Community radio is a separate tier of radio, different from both commercial radio and BBC radio, and each station is separately owned. Stations can carry advertising and sponsorship, but there is a limit on how much income stations can take from this source. Licences can be applied for only when applications are invited. A licence runs for five years, and is licensed to broadcast on FM or AM.

Q. What does not-for-profit mean?

The not-for-profit (or non-profit distributing) requirement means that you cannot give any profits generated by the community radio station to shareholders for example, or to benefit the people running the service. This requirement does not prevent stations from paying staff. Any profit or surplus must be used for securing or improving the future provision of the radio service or for delivering social gain/community benefits to the station's target community.

Q. Can I broadcast adverts and what are the funding rules?

Any community radio station can broadcast advertisements and sponsorship, but there are limits on income from these sources:

- each station is allowed a 'fixed revenue allowance' of £15,000 per financial year from paid for on-air advertising and sponsorship;
- some stations may also allowed up to 50% of their total relevant income per financial year (i.e. disregarding the 'fixed revenue allowance') from paid-for on-air advertising and sponsorship, if certain qualifications apply (see paragraphs 2.13-2.14 and 4.10-4.11).

Q. How do I apply for a community radio licence?

We can only accept applications for community radio licences as part of a licensing round, and not at any other time. There are various documents on our website: the application form asks for the information we need to judge your proposals against the requirements in the legislation; an 'invitation of applications for community radio licences' is published for each region at the point that we invite applications for that region. It defines the areas, specifies the closing date for applications, and gives other relevant information for the localities in question. In addition, these 'notes of guidance

for community radio applicants and licensees' set out the various legislative requirements for community radio licence holders.

Q. How do I choose a good site for my transmitter?

We would advise applicants to seek professional technical advice on transmission issues, including where to site the transmitter. Here are some points you will need to consider for FM:

- “Height is might”; as a general rule of thumb, the higher the transmitter is in relation to the desired coverage area, the better in terms of likely coverage (if your antenna is surrounded by taller buildings, coverage will be affected)
- In simple terms FM coverage is usually by ‘line of sight’ (as well as being dependent on incoming interference and other factors). What can you see from where the antenna is planned?
- Is the site secure and would access be problematic?
- Will it be cost effective and affordable over the duration of the licence? Is planning permission required? Listed buildings can be particularly problematic.
- What would be required for the transmitter to be linked to the studio site?
- Are there health and safety implications?
- Is there an available electricity supply?
- How easy would it be to install the antenna and equipment or would there be cost implications?
- Are there other users or local residents to be borne in mind?

Q. I've been awarded a community radio licence. What happens now?

Successful applicants are given a period of two years from the date of award to launch their service. Ofcom will send a letter confirming the licence award and setting out the next steps. Confirmation of transmitter site details will be required before we start the formal frequency allocation and clearance process (please don't assume your site can be changed from that proposed in the application – this may not be possible). The frequency clearance process can take up to six months. Your station's 'Key Commitments' will have been drafted by you as part of the application, as you near station launch these will be discussed with you and formally agreed by Ofcom (we aim to work with you, but Ofcom has the final say). You will be required to complete and return a legal declaration (an 'Original Declaration' form) regarding the licensee (listing the directors of the company, for example). Once you are nearing your launch date you will need to arrange for your transmitter to be commissioned (which can be done by Ofcom, see paragraph 5.16). You can then broadcast test transmissions (for up to four weeks), before your launch. The community radio licence is issued at the commencement of full broadcasting (after test transmissions), and the five-year licence period starts at this point.

It is vital during this pre-launch period that you keep Ofcom informed of any changes to station contact details, and it is helpful for us to be kept informed on progress.

Q. What other radio options are there for me?

Internet radio: A station which only broadcasts over the internet does not need a licence from Ofcom. However, as with any licensed service, you would still need the

appropriate licences in place from the music royalty collection agencies, PPL (www.ppluk.com) and PRS for Music (www.prsformusic.com) to play any copyright music.

Temporary FM or AM licence: Restricted service licences (short-term) are available from Ofcom. Information relating to these licences can be found at <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>. An SRSL is for broadcasting on FM (or AM) for up to a usual maximum of 28 days. Coverage areas are typically a 3km radius in an urban area, or a 5+km radius in a rural area. Groups outside London can broadcast twice a year (with a four month separation gap between each broadcast); groups in Greater London can operate one S-RSL a year. The application fee is £400 and details of the daily charges can be found in annex 2 of the notes of guidance. The RSL team can be contacted with any further queries: rsl.enquiries@ofcom.org.uk.

Broadcasting on DAB digital radio: A Digital Sound Programme Service (DSPS) Licence is required if you want to provide a service on a digital multiplex for a digital (DAB) radio service. The licence runs indefinitely unless Ofcom has reason to revoke or the holder wishes to surrender it. The application fee is £250 (non-refundable) and there is an annual licence fee of £100 <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>. You would need to contact the relevant local multiplex owner, before applying, to discuss a place on their platform to broadcast the service and the associated fees. A directory of DAB multiplex operators can be found at: <http://www.ofcom.org.uk/static/radiolicensing/html/radio-stations/digital/digital-multiplexes-main.htm>

Broadcasting on cable or satellite (e.g. Sky): A Radio Licensable Content Service (RLCS) licence is required if you wish to provide a service on cable or satellite. It runs indefinitely unless Ofcom has reason to revoke or the holder wishes to surrender the licence. The application fee is £250 (non-refundable) and the annual licence fee is £575. You would have to contact BSkyB or the local operator to discuss access to their services and the fees involved.

If you have any further queries about DSPS or RLCS licences please contact the commercial radio licensing team at: commercial.radio@ofcom.org.uk.

Analogue (FM or AM) commercial radio licence: Ofcom currently has no plans to invite applications for new FM or AM commercial radio licences. However, for information regarding the planned timetable for the re-advertisement of existing local analogue commercial radio licences, and how to apply, please see the information on our website. <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>