Digital Sound Programme Service (DSP) licence

Application form

**Name of applicant** (i.e. the individual or entity that will hold the licence):

**Proposed service name:**

Contents

Section

[1. Overview 3](#_Toc116556404)

[2. Fees 8](#_Toc116556405)

[3. Applicant’s details 10](#_Toc116556406)

[4. Details of directors, designated members, participants and shareholders of the applicant (companies and LLPs) 16](#_Toc116556407)

[5. Details of partners of the applicant (partnerships) 20](#_Toc116556408)

[6. Details of governing members of the applicant (unincorporated bodies other than partnerships) 22](#_Toc116556409)

[7. Eligibility requirements 24](#_Toc116556410)

[8. The proposed service 31](#_Toc116556411)

[9. Compliance of the service 33](#_Toc116556412)

[10. Checklist for supporting documentation and application fee 37](#_Toc116556413)

[11. Declaration 39](#_Toc116556414)

2. Overview

The purpose of this form

* 1. You should complete this form if you are applying for a digital sound programme service (DSP) licence. A DSP licence is required by anyone who wishes to broadcast a sound programme service on a digital multiplex, whether this service is unique to digital or a simultaneous broadcast of an existing analogue, satellite or cable radio service. One licence covers all the DSP services provided by the licensee on any number of multiplexes but separate licences are required for local and national digital sound programme services. A national DSP licence is required if the service is to be broadcast on DTT Freeview.
  2. A DSP licence will also cover any ancillary data services directly related to the sound programme service, such as accompanying text and graphics including, for example, details of the music being played, the background to an interview or a weather map. Ancillary material should be broadly concurrent with the audio from the relevant DSP service. Ancillary services may not include advertising, but may include sponsorship within the terms of the current codes. For all regulatory purposes Ofcom will treat the DSP service licensee as the responsible licensee for all (non-commercial) material provided on the multiplex which relates to that licensee’s programme service or to which the programme service refers, regardless of any arrangements, contractual or otherwise, which the DSP service or the multiplex licensee may have with third parties for the provision of that material. The applicant must indicate for which DSP services it is intended to provide ancillary services.
  3. A DSP licence will also cover any technical services which are involved in the encryption/decryption of the sound programme service (such as for ‘pay’ radio services).

How to complete the form

* 1. There are detailed instructions on how to complete this form, and information on the next steps in the application process, in our [guidance notes for licence applicants](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/248051/DSP-notes-of-guidance-for-applicants.pdf). Please read this guidance carefully before completing this form.
  2. If you still have a query, you can contact Ofcom’s Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)). The team cannot provide advice or pre-approve applications, but can answer general questions.
  3. Please download this form and fill it in on a computer. If completing by hand, please use block capitals and black ink.
  4. Please answer all the questions as fully as possible, use extra sheets if required and provide the supporting documentation listed at Section 10 of this form. Sufficient information must be supplied about the applicant and the proposed service to enable Ofcom to consider the application in accordance with the statutory criteria for the granting of DSP licences. Ofcom may need to request further details from you before a licence can be granted.
  5. **Ofcom will reject applications made using an old version of the form.**
  6. Ofcom will accept handwritten application forms but they must be filled in using block capitals and black ink.
  7. **Ofcom will reject application forms that are illegible.**
  8. You must answer all questions in the application form and respond “N/A” to any questions that do not apply to the applicant.
  9. **Ofcom will reject applications which do not meet the following criteria:**
* The declaration in Section 11 of this form must be signed and dated.
* The person who signs and makes the declaration on behalf of the applicant must be:
  + - 1. A director of the company or the company secretary where the applicant is a company.
      2. A designated member where the applicant is a Limited Liability Partnership.
      3. A partner, where the applicant is a partnership.
      4. A member of the organisation’s governing body where the applicant is an unincorporated body or association.
      5. The individual who will be the licensee where the applicant is an individual.
* All supporting documents as requested in the checklist in Section 10 of the application form must be supplied in legible form and translated into English where applicable.
  1. If you are completing the form as an agent, i.e. you are acting on the applicant’s behalf, please note that you cannot sign it on your client’s behalf, and that the person signing the form needs to have personally checked the truth and completeness of the responses given. If your client wishes you to be Ofcom’s main contact in relation to the application, please make this clear in an accompanying letter, and provide evidence of your authority to act on behalf of the applicant. The form should be filled in so as to include information about the applicant, not the agent. If Ofcom has further questions once the application has been submitted, we will direct these to the applicant, not to the agent, but we will accept responses from the agent.

How to submit the form

* 1. We prefer application forms and required supporting documents to be submitted by email to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk). Handwritten applications and required supporting documents should be scanned and attached to the email.
  2. You should receive an auto-response from [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk) confirming that your application has been received by Ofcom. If you do not receive a response, it is likely your application has not been received and you should leave a voicemail for the Broadcast Licensing team on 020 7981 3002 who will look into this and contact you.
  3. If the applicant cannot submit the application form and/or the supporting documentation by email, you may send by post to:

Ofcom

Broadcast Licensing    
Riverside House   
2a Southwark Bridge Road   
London

SE1 9HA

Supporting documentation

* 1. You must provide a range of supporting documentation when submitting this application form. Please refer to the checklist in Section 10 of this form for full details. Please note that failure to supply the necessary documents will delay your application.
  2. **Ofcom will reject applications with which the necessary documents are not supplied in legible form.**
  3. Please note that Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit, please send your supporting documents in a separate email(s) clearly indicating the applicant’s name in the subject line of the email.

Bodies corporate applying for a licence must provide:

* 1. A copy of the Memorandum and Articles of Association (or, if a body corporate without such, the nearest equivalent, along with a translation, if it is not in English), together with copies of any resolution amending or updating them.
  2. Please note, if the applicant’s **current** Memorandum and Articles of Association are available on the Companies House website, this can be stated in this form and the documents do not need to be submitted with the application.
  3. An organisational chart showing the ownership structure of the applicant body, including percentages for shares held in it and for shares held by it in other companies to which it is connected.
  4. A copy of the last Annual Return (or if the entity is recently established such that it has not yet been required to make that return, a copy of all filings made to Companies House since incorporation).
  5. A copy of the most recent accounts of the applicant (not applicable to recently established entities).

Partnerships (other than LLPs) applying for a licence must provide:

* 1. The Partnership agreement.
  2. Any other agreement or memorandum setting out the objects of the partnership.
  3. A copy of the most recent accounts (not applicable to recently established entities).

Unincorporated bodies applying for a licence must provide:

* 1. The constitutional agreement.
  2. Any other agreement or memorandum setting out the objects of the body.
  3. A copy of most recent accounts (not applicable to recently established entities).

Individuals applying for a licence must provide:

* 1. **Proof of identity**: a copy of the individual’s UK passport **or** driving licence.
  2. **And proof of address**: a copy of any of the following, showing the individual’s name and home address and dated within the past three months: a utility bill (not including a mobile phone bill); a bank, building society or credit card statement; a Council Tax bill; official personalised correspondence from a bank, building society, utility (not including a mobile phone provider); a court; or a government institution. Please note that Ofcom does not accept a driving licence as proof of address for this purpose. The name of the applicant must match the name on the documents provided. If you are unable to provide these, or wish to propose the use of an alternative, please contact Ofcom **before** you submit your application.

Provision of information

* 1. Ofcom requires complete and accurate information to assess applications. This is so that we can assess your application against statutory criteria, consider whether those involved in the body applying for a licence are ‘fit and proper’ to hold a licence, and determine whether their involvement with other organisations disqualifies them from participation in a licence.
  2. It is an offence under the Broadcasting Act 1996 (as amended) to provide false information or withhold relevant information during the application process, and may be grounds for revocation of a licence subsequently granted.

Publication of information about applications and licensed services

* 1. When a licence is granted, the name of the service and public contact details for the licensee are published on the Ofcom website. These are the details supplied by the applicant in the application form. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)).
  2. Ofcom considers issued DSP licences to be public documents and copies of licences will be made available to third parties on request.
  3. Ofcom publishes a [monthly update](https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/monthly-updates) which lists new services licensed, licences revoked, licence transfers, and changes to the name or nature of the licensed service during the past month. These are available [on the Ofcom website](https://www.ofcom.org.uk/manage-your-licence/tv-broadcast-licences/updates).

Data protection

* 1. We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see [Ofcom’s General Privacy Statement](http://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement) for further information about how Ofcom handles your personal information and your corresponding rights.

Keeping up to date with broadcasting matters

* 1. We strongly recommend that the appropriate person at the applicant, signs up to receive Ofcom’s regular email updates on broadcasting matters including notification when the Broadcast and On Demand Bulletin is published.
  2. To sign up to receive these communications, you must visit [the subscription page of our website](https://www.ofcom.org.uk/about-ofcom/latest/email-updates) and select ‘Broadcasting.’

1. Fees
   1. Fees are reviewed by Ofcom annually, and applicants should check the Ofcom website for the most up-to-date fees. Our tariff tables are published no later than 31 March each year. For further information about fees, see [Ofcom’s Statement of Charging Principals](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/51058/charging_principles.pdf) and [Ofcom’s Tariff Table.](https://www.ofcom.org.uk/about-ofcom/annual-reports-and-plans/tariff-tables)
   2. A non-refundable application fee of £250 is payable.
   3. Applications will not be assessed until the application fee has been received in Ofcom’s bank account.
   4. Each DSP licence is also required to pay an annual licence fee to Ofcom, as a condition of its licence. The annual fee for a DSP licence is currently £100. The fee is payable at the point of application and then payable each year on the anniversary of the licence award date. **This means that the total fee which should accompany the application is £350**. The payment of licence fees does not guarantee or indicate the success of the application. In the event that the application is unsuccessful the annual licence fee of £100 will be refunded.
   5. The annual licence fee will be payable whilst the DSP licence is in issue, regardless of whether a service is actually being broadcast.
   6. It is important that licensees pay their annual licence fees on time. If fees are not paid by the date stated in the invoice, Ofcom is likely to investigate whether a breach of the relevant licence condition has occurred and may consider whether to impose a financial penalty and/or revoke the licence.
   7. If you wish to pay your annual fee by direct debit, please enclose a [direct debit mandate form](https://www.ofcom.org.uk/__data/assets/pdf_file/0012/20136/dd.pdf) with the application.

## How to pay

* 1. Ofcom requests that applicants pay the £350 by bank transfer and that immediately after the applicant has instructed their bank to make the payment, confirmation of payment is emailed to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).
  2. To ensure that Ofcom can identify the payment, it must include a payment reference which is “DSP” followed by the applicant’s name (or as much of the name as is possible to provide within the character limit set by the bank) as provided in response to question 3.2 of this application. In the case of a company, partnership or unincorporated body applying for the licence, the applicant’s name will be the name of the company, LLP, partners or members of an unincorporated body who have applied for the licence (as provided in response to question 3.2), not the individual who has submitted the application on its behalf.
  3. The bank details to be used to pay the fees are:

Account Name: Office of Communications

Bank details: Lloyds Bank, 69-73 Borough High Street, London SE1 1NQ

Account number: 00782415

Sort code: 30-97-90

BIC: LOYDGB21351  
IBAN: GB05 LOYD 3097 9000 7824 15   
SWIFT: LOYD GB 2L

1. Applicant’s details

About this section

In this section, we are asking you for basic details about the applicant (whether an individual or body corporate).

The requested details include company registration number (where applicable) and contact information.

We are asking for this information so that Ofcom knows precisely who to contact at the applicant during the application process and if a licence is granted.

If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.

Certain persons are disqualified from holding a broadcast licence. This section asks the questions which enable us to consider this for those types of disqualification which apply to all applicants. It also asks questions which are relevant to our assessment of the applicant’s fitness and properness to hold a broadcast licence.

Before completing this section of the form, you should read [Ofcom’s guidance on the definition of ‘control’ of media companies](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/45292/media_statement.pdf). Note in particular that:

* Throughout this section, “control” has the meaning it is given in Part I of Schedule 2 of the Broadcasting Act 1990.
* It includes situations where it would be reasonable to expect that any person would be able in most cases to secure that the affairs of a body corporate are conducted in accordance with their wishes. Therefore, for example, where a corporate body is held by its parent via a number of subsidiaries, all such subsidiaries have control.

“Officerships” in this section refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).

* 1. If you are granted a licence, Ofcom would like to be able to send some specific notifications and documents by email only.[[1]](#footnote-1) By ticking the box below, you consent to receiving the following correspondence by email only, to the Licensing and/or Compliance contacts detailed in response to questions 3.7 and 3.8.[[2]](#footnote-2)
     1. Request for the licensee to provide a recording of broadcasting content.
     2. Request for information in relation to a broadcast licensing or standards assessment or investigation.
     3. Request for representations on the licensee’s compliance with the relevant licence conditions and/or rules (e.g. Broadcasting Code rules) during an investigation.
     4. Request for representations on Fairness and Privacy Entertainment Decisions.
     5. Request for representations on Ofcom’s Preliminary View which sets out whether Ofcom considers there has been a breach of licence conditions and/or rules.
     6. Request for comments on factual inaccuracies in draft Decisions or Adjudications.

**If you do not tick the below box, we will send this correspondence to you by post.**☐ I consent to receiving the above correspondence relating to my licence by email only.

* 1. Name of applicant (i.e. the individual or body corporate that will hold the licence if granted):
  2. Company registration number stated on Companies House (if applicable):
  3. For UK registered entities, the address of the applicant’s registered office stated on Companies House.

For non-UK registered entities, the principal office address:

* 1. If a UK registered company, is the **current** Memorandum and Articles of Association document available on the Companies House website?

**Yes/No** (delete as appropriate)

**If no, please submit the up-to-date document and indicate you have done so in the checklist in Section 10 of this form.**

* 1. Contact details of the individual duly authorised by the applicant for the purposes of making this application. If you are:
* an individual, i.e. you are the individual intended to hold the licence, please fill in the below table with your details; or
* a corporate body, this individual should be the company secretary, a director or (if an LLP) designated member; or
* a partnership, this individual should be a partner; or
* an unincorporated body or association, this individual should be a member of the organisation’s governing body.

(If you are an agent completing the form on behalf of the applicant please do not enter your details here – see paragraph 1.13).

|  |  |
| --- | --- |
| Full name |  |
| Job title |  |
| Address |  |
| Telephone |  |
| Mobile phone |  |
| Email |  |

* 1. Contact details for the Licence Contact[[3]](#footnote-3)

|  |  |
| --- | --- |
| Full name |  |
| Job title |  |
| Address |  |
| Telephone |  |
| Mobile phone |  |
| Email |  |

* 1. Contact details for the Compliance Officer (see paragraph 5 Ofcom’s [guidance notes for applicants](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/248051/DSP-notes-of-guidance-for-applicants.pdf) for information about the role of a Compliance Officer):

|  |  |
| --- | --- |
| Full name |  |
| Job title |  |
| Address |  |
| Telephone |  |
| Mobile phone |  |
| Email |  |

* 1. Contact details for Ofcom regarding invoicing/payment of licence fees:

|  |  |
| --- | --- |
| Full name |  |
| Job title |  |
| Address |  |
| Telephone |  |
| Mobile phone |  |
| Email |  |

* 1. Contact details for Ofcom regarding submission of Ofcom’s annual Transmission and Revenue Return:

|  |  |
| --- | --- |
| Full name |  |
| Job title |  |
| Address |  |
| Telephone |  |
| Mobile phone |  |
| Email |  |

* 1. If a licence is granted, it is Ofcom’s practice to publish some contact details for the licensed service on our website and/or in other relevant Ofcom publications in order for members of the public to contact the licensee if need be. Please provide contact details below which can be used for this purpose:

|  |  |
| --- | --- |
| Full name |  |
| Job title |  |
| Address |  |
| Telephone |  |
| Mobile phone |  |
| Email |  |

* 1. If the proposed Licensed Service has/will have a website, please provide the website address below.
  2. How will the service be financed? If the applicant is receiving, or is likely to receive, any form of funding and/or financial assistance to establish and maintain the service, please provide details of who is providing that funding/financial assistance and the extent of it.

If you are receiving funding from, or on behalf of, a political organisation or a religious body, you must specify this here.

* 1. Please identify any political entities with which the applicant is affiliated. By affiliated, we mean entities with which the applicant has declared an affiliation.

If this question is not applicable to the applicant please respond “N/A” in the table.

|  |  |
| --- | --- |
| Full name of entity | Address |
|  |  |
|  |  |

* 1. Complete the following table, expanding it if necessary, to list:

1. all persons who control the applicant, and;
2. all persons of which the applicant is aware who are controlled by persons controlling the applicant.

If any persons or bodies control the applicant jointly because they act together in concert (e.g. because of a shareholder’s agreement), each such person must be identified here.

If any of these entities are affiliated with a political entity, please disclose this here.

|  |  |  |
| --- | --- | --- |
| Full name of individual or body | Address | Political affiliates |
|  |  |  |
|  |  |  |

* 1. Complete the following table, expanding it if necessary, to list all officerships in other bodies that are held by any individual listed in response to question 3.15.

If any of these entities are affiliated with a political entity, please disclose this here.

|  |  |  |
| --- | --- | --- |
| Full name of individual | Name of body in which officership held | Political affiliates of that body |
|  |  |  |
|  |  |  |

* 1. Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled by any body corporate listed in response to question 3.15.

If any of these entities are affiliated with a political entity, please disclose this here.

|  |  |  |
| --- | --- | --- |
| Full name of body corporate listed in 3.15 | Body corporate controlled | Political affiliates of body corporate controlled |
|  |  |  |
|  |  |  |

1. Details of directors, designated members, participants and shareholders of the applicant (companies and LLPs)

About this section

Section 4 applies to applicants which are bodies corporate (e.g. companies or LLPs). If you are applying as a partnership which is not an LLP, please skip to section 5. If you are applying as an unincorporated body, please skip to section 6. If you are applying as an individual, please skip to Section 7.

In Section 4, we are asking for details of the directors or designated members (LLPs), its shareholders and participants. Where applicable we are also asking for details of the directors or designated members (LLPs) of the applicant’s parent and associated companies or LLPs etc.

If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.

Certain persons are disqualified from holding a broadcast licence. This section asks the questions which enable us to consider this for those types of disqualification which apply specifically to bodies corporate. It also asks questions which are relevant to our assessment of the applicant’s fitness and properness to hold a broadcast licence.

Before completing this section of the form, you should read [Ofcom’s guidance on the definition of ‘control’ of media companies](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/45292/media_statement.pdf). Note in particular that:

* Throughout this section, “control” has the meaning it is given in Part I of Schedule 2 of the Broadcasting Act 1990.
* It includes situations where it would be reasonable to expect that any person would be able in most cases to secure that the affairs of a body corporate are conducted in accordance with their wishes. Therefore, for example, where a corporate body is held by its parent via a number of subsidiaries, all such subsidiaries have control.

“Officerships” in this section refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).

The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.

Having completed this section, please go to Section 7.

* 1. Please provide the following details for each director or designated member of the applicant.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Full name of individual | Home address | Country of residence | Other officerships held (and nature of the business concerned) | Other employment |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

* 1. Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled by the applicant. If any of these entities are affiliated with a political entity, please disclose this here.

|  |  |  |
| --- | --- | --- |
| Full name of body corporate | Address | Political affiliates |
|  |  |  |
|  |  |  |

* 1. Complete the following table, expanding it if necessary, to list all bodies which hold or are beneficially entitled to shares, or who possess voting powers, amounting to more than 5% in the applicant (“participants”). You may, but are not required to, exclude from this table any bodies listed in response to question 3.15. If you are unable to provide a complete answer to this question in relation to beneficial owners, please state whether you have any reason to suspect the existence of any beneficial owners.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Full name of >5% participant (existing and proposed) | Number of shares | Total investment (£s) | Total investment (%) | % of voting rights |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Comments | | | | |
|  | | | | |

* 1. In relation to each body corporate identified in response to question 3.15, complete the following table, expanding it if necessary, to list all bodies which hold or are beneficially entitled to shares, or who possess voting powers, amounting to more than 5% in the body corporate concerned (“participants”). You may, but are not required to, exclude from this table any bodies listed in response to question 3.15. If you are unable to provide a complete answer to this question in relation to beneficial owners, please state whether you have any reason to suspect the existence of any beneficial owners.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of body corporate identified in response to question 3.15 |  | | | |
| Full name of >5% participant | Number of shares | Total investment (£s) | Total investment (%) | % of voting rights |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Comments | | | | |
|  | | | | |

* 1. Do any of the directors, designated members, shareholders or participants listed anywhere in this section have any past or present connection with another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee, the BBC or S4C. Relevant connections are:
* A director of another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee.
* A controller of another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee.

If yes, please provide the following details.

If this question is not applicable to the applicant please respond “N/A”.

|  |  |  |
| --- | --- | --- |
| Full name of individual or body | Connection/licensee | Dates of connection |
|  |  |  |
|  |  |  |

* 1. Does the applicant have any reason to suspect the existence of any political body amongst any of the following:
* those controlling any participant having a greater than 5% interest in the licensee;
* those controlling any participant having a greater than 5% interest in any body corporate listed in response to question 3.15;
* those controlled by any body corporate that controls any body corporate having a greater than 5% interest in the licensee;
* those controlled by any body corporate that controls any body corporate having a greater than 5% interest in any body corporate listed in response to question 3.15;
* those controlled by any participant having a greater than 5% interest in the licensee;
* those controlled by any participant having a greater than 5% interest in any person listed in response to question 3.15;
* any affiliate of any of the above; or
* any affiliate of any participant having a greater than 5% interest in the licensee.

|  |  |
| --- | --- |
| Write yes or no | If yes, please give details |
|  |  |

1. Details of partners of the applicant (partnerships)

About this section

Section 5 applies to applicants which are partnerships (excluding LLPs). If you are applying as another kind of unincorporated body, please skip to Section 6. If you are applying as an individual, please skip to Section 7.

In Section 5, we are asking for details of the partners.

If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.

The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.

Before completing this section of the form, you should read [Ofcom’s guidance on the definition of ‘control’ of media companies](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/45292/media_statement.pdf). Note in particular that:

* Throughout this section, “control” has the meaning it is given in Part I of Schedule 2 of the Broadcasting Act 1990.
* It includes situations where it would be reasonable to expect that any person would be able in most cases to secure that the affairs of a body corporate are conducted in accordance with their wishes. Officerships” in this section refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).

Having completed this section, please go to Section 7.

* 1. Please provide the following details for each partner of the applicant. If any partner is a company, please complete questions 4.2 and 4.3 in relation to that company.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Full name of individual | Home address | Country of reside­nce | Other officerships held (and nature of the business concerned) | Affiliates of bodies in which other officerships are held | Other employment | Degree of participation in the applicant |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

* 1. Do any of the partnershave any past or present connection with another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee, the BBC or S4C. Examples of relevant connections are:
* A director of another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee.
* A controller of another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee. If yes, please provide the following details:
  1. If this question is not applicable to the applicant please respond “N/A”.

|  |  |  |
| --- | --- | --- |
| Full name | Connection/licensee | Dates of connection |
|  |  |  |
|  |  |  |

1. Details of governing members of the applicant (unincorporated bodies other than partnerships)

About this section

Section 6 applies to applicants which are unincorporated bodies. If you are applying as an individual, please skip to Section 7.

In Section 6, we are asking for details of the applicant’s governing members.

If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.

The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.

Before completing this section of the form, you should read [Ofcom’s guidance on the definition of ‘control’ of media companies](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/45292/media_statement.pdf). Note in particular that:

* Throughout this section, “control” has the meaning it is given in Part I of Schedule 2 of the Broadcasting Act 1990.
* It includes situations where it would be reasonable to expect that any person would be able in most cases to secure that the affairs of a body corporate are conducted in accordance with their wishes.

“Officerships” in this section refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).

Having completed this section, please go to Section 7.

* 1. Please provide the following details for each governing member of the applicant.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Full name of individual | Home address | Country of reside-nce | Other officerships held (and nature of the business concerned) | Affiliates of bodies in which other officerships are held | Other employment | Degree of participation in the applicant |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

* 1. Do any of the governing membershave any past or present connection with another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee, the BBC or S4C. Examples of relevant connections are:
* A director of another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee.
* A controller of another Ofcom Broadcasting Act licensee, or previous Ofcom Broadcasting Act licensee.

If yes, please provide the following details:

If this question is not applicable to the applicant please respond “N/A”.

|  |  |  |
| --- | --- | --- |
| Full name of individual | Connection | Dates of connection |
|  |  |  |
|  |  |  |

1. Eligibility requirements

About this section

Ofcom has a duty to ensure that anyone who applies for a broadcasting licence is fit and proper to hold one.

When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at – for example – whether individuals who are likely to exercise control over the applicant and its activities (e.g. directors, substantial shareholders or members) have any criminal convictions (in any jurisdiction), or whether they have ever been declared bankrupt.

In addition, certain categories of people are disqualified from holding a licence or participating above a certain level in a body which holds a licence. These restrictions are set out in Part 2 of Schedule 2 to the Broadcasting Act 1990.

Please note: information provided in this section of the form will not necessarily result in the applicant being refused a licence – this will depend on all the circumstances of the applicant as a whole – but Ofcom may ask for further details.

Before completing this section of the form, you should read [Ofcom’s guidance notes for applicants](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/248051/DSP-notes-of-guidance-for-applicants.pdf).

Criminal convictions

*Note: You do not need to provide details of spent convictions.*

* 1. Has the applicant, or any of the directors, shareholders or other individuals listed in Sections 3 to 6 of this application, **been convicted of a criminal offence** committed before the date of this application (in any jurisdiction) or received a civil penalty (in any jurisdiction, excluding driving offences)?

**Yes/No** (delete as appropriate)

If yes, please provide the name of the person, date of the conviction or action, the penalty, and the country.

|  |  |  |  |
| --- | --- | --- | --- |
| Full name | Date of conviction/action (dd/mm/yy) | Penalty | Country |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Insolvency and bankruptcy

* 1. Has the applicant, or any of the directors, shareholders or other individuals listed in Sections 3 to 6 of this application ever been declared bankrupt in any jurisdiction?

**Yes/No** (delete as appropriate).

If yes, please provide names and details of the bankruptcy – i.e. the date of action, whether it has been discharged and, if so, the date of discharge:

* 1. Has the applicant, or any of the directors, shareholders or other individuals listed in Sections 3 to 6 of this application ever been directors of a body in any jurisdiction which has become insolvent?

**Yes/No** (delete as appropriate).

If yes, please provide names and brief details of the insolvency action (including dates):

Disqualified directors

* 1. Has the applicant, or any of the directors, shareholders or other individuals listed in Sections 3 to 6 of this application ever been the subject of a disqualification order under the Company Directors Disqualification Act 1986?

**Yes/No** (delete as appropriate).

If yes, please provide names and details of the order (e.g. the period of disqualification):

Removal from a professional or trade body

* 1. Has the applicant, or any of the directors, shareholders or other individuals listed in Sections 3 to 6 of this application ever been excluded from a professional or trade body in any jurisdiction following disciplinary or regulatory proceedings?

**Yes/No** (delete as appropriate).

If yes, please provide names, dates and details (including whether or not they have subsequently been re-admitted by the body concerned):

General statutory disqualifications

* 1. Please state below whether the applicant, or any of the directors, shareholders or other individuals listed in Sections 3 to 6 of this application, including their associates (i.e. directors of their associates and other group companies), is, or is involved in, any of the below, and the extent of that interest.

|  |  |  |
| --- | --- | --- |
| Activity/involvement | Yes or No | Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement |
| A local authority |  |  |
| A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body |  |  |
| A body whose objects are wholly or mainly of a religious nature; |  |  |
| An individual who is an officer of a body falling within (b) or (c) above; |  |  |
| A body corporate which is an associate (as defined in paragraphs 1(1) and 1(1A) of Part I of Schedule 2 to the Broadcasting Act 1990) of a body falling within (b) or (c); |  |  |
| An advertising agency or an associate of an advertising agency |  |  |
| Other publicly funded bodies |  |  |

* 1. Please provide details of any other participant in the applicant whose interest is, or could be, incompatible with the requirements imposed by or under Schedule 2 to the Broadcasting Act 1990.

Details of applications, licences and sanctions

* 1. Is the applicant a current licensee of Ofcom?

**Yes / No** (delete as appropriate).

If yes, please provide the licence details expanding the table if necessary:

|  |  |
| --- | --- |
| Licence number | Name of service |
|  |  |
|  |  |
|  |  |

Has the applicant held an Ofcom broadcasting licence before?

* 1. **Yes / No** (delete as appropriate).

|  |  |  |
| --- | --- | --- |
| Licence number | Name of service | If a restricted service licence to cover an event: location, dates and event covered |
|  |  |  |
|  |  |  |
|  |  |  |

* 1. Has anyone involved in the proposed service, held an Ofcom broadcasting licence or been involved in an Ofcom-licensed broadcast service before?

**Yes / No** (delete as appropriate).

If yes, please provide the details expanding the table if necessary:

|  |  |  |  |
| --- | --- | --- | --- |
| Dates licence was held or dates of involvement | Licence number (if known) | Name of service | If a restricted service licence to cover an event: location, dates and event covered |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

* 1. Does the applicant control an existing Ofcom licensee?

**Yes / No** (delete as appropriate).

If yes, please provide the licence details expanding the table if necessary:

|  |  |
| --- | --- |
| Licence number | Name of service |
|  |  |
|  |  |
|  |  |

* 1. Is the applicant controlled by an existing licensee or by any person who is connected (within the meaning of Schedule 2 to the Broadcasting Act 1990) with an existing licensee (i.e. as a “participant”)?

**Yes / No** (delete as appropriate).

If yes, please provide the following information, expanding the table if necessary:

|  |  |
| --- | --- |
| Licence number | Name of service |
|  |  |
|  |  |
|  |  |

* 1. Has the applicant made any other application to Ofcom (or its predecessor broadcast regulators – the Independent Television Commission and the Radio Authority) for any licence which has since been surrendered by the licensee or revoked by Ofcom (or one of its predecessor regulators)?

**Yes / No** (delete as appropriate).

If yes, please provide the following information, expanding the table if necessary:

|  |  |
| --- | --- |
| Licence number | Name of service |
|  |  |
|  |  |
|  |  |

* 1. Is the applicant subject to any current or pending investigation by any statutory regulatory or government body in the United Kingdom or abroad in respect of any broadcast-related matter?

**Yes / No** (delete as appropriate).

If yes, please provide the following details expanding the table if necessary:

|  |  |  |
| --- | --- | --- |
| Licence number (or equivalent) | Name of service | Details of the investigation |
|  |  |  |
|  |  |  |
|  |  |  |

* 1. Has the applicant – or any person(s) controlling the applicant – ever been subject to a statutory sanction for contravening a condition of a broadcasting licence in the UK or any other jurisdiction?

**Yes / No** (delete as appropriate).

If yes, please provide the following details relating to each sanction expanding the table if necessary:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Licence number (or equivalent) | Name of service | Nature of the breach | Sanction imposed | Date sanction imposed |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

* 1. Please provide any further information you hold, relating to the past conduct of the applicant or those individuals listed, in regulatory matters or in matters going to honesty and/or compliance, which may be relevant to Ofcom’s consideration of whether or not the applicant is fit and proper to hold a broadcast licence. If the applicant or the form signatory fails without reasonable excuse at this point to declare any matter of which Ofcom subsequently becomes aware, and which we do consider to be relevant to the applicant’s eligibility to hold a licence, we will take it into account in determining the question of whether the applicant/licensee remains fit and proper to hold a licence.
  2. If you have no information to provide, please respond “N/A”.
  3. Has the applicant – or any person(s) controlling the applicant – ever been convicted of an unlicensed broadcasting offence?

**Yes / No** (delete as appropriate).

If yes, please provide the following details:

|  |  |  |
| --- | --- | --- |
| Full name | Date of conviction/action (dd/mm/yy) | Penalty |
|  |  |  |
|  |  |  |
|  |  |  |

1. The proposed service

About this section

This section asks you to describe your service and its target audience. If a licence is granted the information you provide in this section will be used to form the basis of an annex to your licence. You will only be authorised to broadcast what is detailed in the annex of the licence. It is therefore important that you provide complete and detailed responses to the questions in this section.

If you are granted a licence and decide subsequently to change your content, you must contact Ofcom in advance so that the change is specifically reflected in the annex to your licence. Such requests must be made in writing prior to any change.

* 1. What is the proposed name of the service?

* 1. When is the projected date of first transmission?
  2. Who is the target audience of your proposed service?

* 1. What language(s) does the applicant intend to broadcast in?
  2. What will be the hours of transmission (e.g. hours per day/week)?

* 1. Applicants should provide a brief description of the content which will comprise the DSP service. This description will be included in an annex to the licence to summarise the nature of the service.

* 1. Will the service carry ancillary service(s)?

**Yes/No** (delete as appropriate)

* 1. If yes, please list the ancillary service(s) and what they will consist of.

* 1. Which multiplex(es) will the service be carried on? Please list the name of the multiplex and whether it is Local, National or Small-Scale

1. Compliance of the service

About this section

This section asks you to describe the compliance arrangements for the proposed licensed service, i.e. the arrangements which the applicant will put in place to ensure the content it proposes to broadcast will comply with the relevant regulatory codes and rules for programming and advertising. These include:

• The Ofcom Broadcasting Code

• The Cross-Promotion Code

• The BCAP Code: the UK Code of Broadcast Advertising

Condition 15 of a DSP licence requires that you have compliance procedures in place, and this section asks that you demonstrate the ability to meet this licence condition.

It is the responsibility of the licensee to ensure that all material broadcast on the service, both live and pre-recorded (and including material sourced from third parties) is compliant with all the Ofcom’s codes and rules.

Ofcom can impose sanctions on a licensee for serious, deliberate, repeated and/or reckless breaches of the licence conditions (for example, if broadcast content does not comply with the codes and rules). The sanctions available to Ofcom include the imposition of a financial penalty on the licensee, and/or revocation of the licence.

Before completing this section of the form, you should read [Ofcom’s guidance notes for applicants](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/248051/DSP-notes-of-guidance-for-applicants.pdf) where you will also find links to the codes and rules listed above.

General compliance

* 1. Will the individual named as the Compliance Officer in response to question 3.8 have overall responsibility for compliance for the duration of the licence?

**Yes/No** (delete as appropriate)

* 1. Please give details of all compliance training and compliance experience (including dates) the person named in response to question 3.8 has received in the relevant codes and rules (for example, those referred to in the box at the start of this section).
  2. How many staff does the applicant have in its compliance team? Please provide a brief description of the functions each person will be performing.

* 1. How does the applicant intend to train staff in compliance procedures? Please include details of the compliance training that will be given to those responsible for live programming, including compliance staff, presenters and producers.
  2. It is a licence requirement that a licensee must ensure that all programming on its service (broadcast at any time of the day or night) complies with Ofcom’s codes and rules. Set out in detail below the system the applicant intends to have in place to ensure it will be able to comply with the codes and rules at all times while the service is broadcasting.
  3. Set out in detail below how the applicant intends to ensure that live content will comply with Ofcom’s codes and rules.
  4. Set out in detail below how the applicant intends to ensure that pre-recorded material will comply with Ofcom’s codes and rules. Pre-recorded content could include, for example, material obtained from, or streamed from, third party sources as well as content produced by the licensee.
  5. For each language listed in response to question 8.4, please provide details of how many compliance team member(s) are fluent in each language and will be responsible for ensuring that content broadcast in that language complies with the Ofcom’s code and rules.

1. Checklist for supporting documentation and application fee

About this section

You must ensure that you submit your application fee in accordance with section 2 of this application form.

This application form must be accompanied by the following supporting documentation in legible form and translated into English where applicable. Failure to supply the necessary documents may result in the application being rejected.

Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit, please send your supporting documents in a separate email(s) clearly stating the applicant’s name in the subject line of the email along with “DSP”.

Please tick the relevant boxes below to confirm that you are providing each of the relevant documents with your application.

For all licence applicants

☐ A diagram detailing the applicant’s compliance structure.

☐ If you are an agent, a letter authorising you to act on the applicant’s behalf.

☐ The fee of £350. Please submit a copy of the payment confirmation with your application.

For a body corporate applying for a licence

☐ A copy of the Memorandum and Articles of Association (or, if a body corporate without such, the nearest equivalent, along with a translation, if it is not in English), together with copies of any resolution amending or updating them. **(Only required if the current version is not available on the Companies House website)**.

☐ A copy of the last Annual Return (or if the entity is recently established such that it has not yet been required to make that return, a copy of all filings made to Companies House since incorporation). **(Only required if the current version is not available on the Companies House website)**.

☐ The most recent accounts of the applicant (not applicable to recently established entities). **(Only required if the current version is not available on the Companies House website)**.

☐ An organisational chart showing the ownership structure of the applicant company, including percentages for shares held in it and for shares held by it in other entities to which it is connected.

For a partnership applying for a licence

☐ The Partnership agreement.

☐ Any other agreement or memorandum setting out the objects of the partnership.

☐ A copy of the most recent accounts (not applicable to recently established entities).

For an unincorporated body corporate applying for a licence

☐ The constitutional agreement.

☐ Any other agreement or memorandum setting out the objects of the body.

☐ A copy of most recent accounts (not applicable to recently established entities).

For an individual applying for a licence

☐ A copy of the individual’s UK passport **or** driving licence. Note: documents that are out of date and/or invalid will not be accepted.

AND

☐ A copy of any of the following documents dated within the past three months and showing the individual’s name and home address:

* a recent utility bill (excluding from a mobile phone provider);
* a bank, building society or credit card statement;
* a Council Tax bill;
* official personalised correspondence from a bank, building society, utility company (excluding from a mobile phone provider), court, or government institution.

Please note that Ofcom does not accept a driving licence as proof of address for this purpose. The name of the applicant must match the name on the documents provided. If you are unable to provide these documents, or wish to propose the use of an alternative, please contact Ofcom **before** you submit your application.

1. Declaration

About this section

This form must be submitted by the applicant named in response to question 3.2. **An agent may not sign the form.**

The person authorised to make the declaration on behalf of the applicant must print their name and must be one of the following:

• A director of the company or the company secretary where the applicant is a company.

• A designated member where the applicant is a Limited Liability Partnership.

• A partner, where the applicant is a partnership.

• A member of the organisation’s governing body where the applicant is an unincorporated body or association.

• The individual who will be the licensee where the applicant is an individual.

The declaration must also be dated.

* 1. I hereby apply to the Office of Communications (Ofcom) for the grant of a Broadcasting Act licence for the digital sound programme service described above and declare that the information given in this application form and the documents, statements and particulars submitted with it are, to the best of my knowledge and belief, correct.
  2. I further declare and warrant:
     1. that the applicant is not a disqualified person within the meaning of that expression as defined in Part 2 of Schedule 2 to the Broadcasting Act 1990, as amended, or as a result of a disqualification order under section 145 of the Broadcasting Act 1996;
     2. that having made all reasonable enquiries that the grant of a licence to the applicant would not breach any requirement of Schedule 14 to the Communications Act 2003 with regard to the accumulation of interests in broadcasting services or to the restrictions on cross-media interests; and
     3. that no director or person concerned directly or indirectly in the management of the applicant is the subject to a disqualification order as defined by section 145 (1) of the Broadcasting Act 1996.
  3. I understand that Ofcom reserves the right to revoke the licences (if granted) if at any time any material statement made to Ofcom is found to be false and to have been made by the applicant or any member or officer thereof knowing it to be false. I also understand that under section 144 of the Broadcasting Act 1996 the provision of false information could incur a criminal conviction and a disqualification from the holding of a Broadcasting Act licence.
  4. I further certify that, to the best of my knowledge, any matters which might influence Ofcom’s judgement as to whether the directors and substantial shareholders involved in this application are fit and proper persons to participate in a Broadcasting Act licence have been made known to Ofcom as part of this application.

**Full name (BLOCK CAPITALS) of the applicant or person authorised to make the application of behalf of the applicant:**

**Date of application:**

**If the applicant is NOT an individual, please complete one of the following sections:**

**If the applicant is a BODY CORPORATE (including an LLP):**

I am authorised to make this application on behalf of the applicant in my capacity as (delete as appropriate):

Company secretary / company director / designated member (in the case of a Limited Liability Partnership)

**OR**

**If the applicant is a PARTNERSHIP (not an LLP):**

I am authorised to make this application on behalf of the applicant in my capacity as

(please tick to confirm):

A partner ☐

**OR**

**If the applicant is an UNINCORPORATED BODY:**

I am authorised to make this application on behalf of the applicant in my capacity as (please tick to confirm):

A member of the organisation’s governing body ☐

**Please send completed application forms to** [**broadcast.licensing@ofcom.org.uk**](mailto:broadcast.licensing@ofcom.org.uk)

1. In accordance with Section 395 of the Communications Act 2003. [↑](#footnote-ref-1)
2. If, after you have submitted this form, you later inform us that your Licensing contact and/or Compliance contact email address has changed, we will assume that the consent you are providing in this form for Ofcom to send the above listed notifications and documents by email only will continue to apply to the new Licensing and/or Compliance contact email address, unless you tell us otherwise. You may modify or withdraw your consent at any time by giving notice to Ofcom that you wish all correspondence, documents and notifications to be sent to you by post. [↑](#footnote-ref-2)
3. The Licence Contact is the day-to-day contact for Ofcom on licensing matters. Examples of the type of communication between the Licence Contact and Ofcom could be questions regarding ownership of the licensee company; and responding to information requests. [↑](#footnote-ref-3)