

OFCOM LICENSING OF COMMUNITY RADIO CONSULTATION: RESPONSES TO QUESTIONS

Question 1: *What role should Ofcom have in respect of community radio, beyond the licensing of new services?*

(25) Expanding the role may be considered at a later stage when income from new licences is known.

Question 2: *Do you agree with our proposed policy for the allocation of spectrum and the size of coverage areas for community radio services?*

(27) There may be a case for the use of 87.6-88.0 MHz for community radio in large cities, see below:

(a) The sparse usage encourages unlicensed operation, consequently RSLs experience a high level of interference which is difficult to stop in the limited time available. Regular use would reclaim this spectrum.

(b) Frequencies which are "not viable for commercial use" could be implemented here. Parameters could be 50kHz deviation, max erp 5W at 12m agl range 3-4km, three frequencies at 87.7 - 87.8 - 87.9. Larger licensed areas could be served via multiple uhf/microwave linked sites.

(c) Licences could be awarded on a "one applicant" basis for community use at requested sites initially on a one-per-service basis approximately every 6km with infill options available for adjacent unserved areas later. Any area with multiple applicants could be time shared.

(d) The frequency planning grid would be independent of other broadcast services, allowing more efficient use of the available bandwidth and easier planning and regulation.

(e) The two identified community radio FM channels could be used instead for RSLs.

NOTES: There are approximately 270 commercial stations with a typical range of 16 km in around 6 MHz of bandspace or 16 channels over the UK. A similar number of community stations would require about one third of the resources, given a typical range of 5 km (based on a comparison of signal decay rates). This implies that around 2 MHz or 5 channels would be needed across the UK, given similar standards of provision. The only available unused FM spectrum is 87.6 - 88.0 MHz, some 400 kHz or one channel. This is currently earmarked for RSL use, but could be used for community radio instead if substandard protection and bandwidth were accepted. The only alternative option is to "shoehorn" community radio between existing ILR and BBC services but this would also imply reduced performance and might prejudice the current tenants activities. There would be less objection to RSLs here which are temporary.

(32) Ofcom policy on the use of AM spectrum should consider all available options,

such as channels above 1602 kHz and short wave including 25 MHz. If there is a chronic shortage of available FM channels services could have a mixture of shared and exclusive allocation across different wavebands and platforms.

Digital "L" band should also be seriously considered as receivers are likely to be readily available soon and the higher frequency would permit local cell operation. Community use would encourage digital take-up. The current experimental transmissions in London could be adapted to provide sectorised beam coverage from the North and South London sites.

Question 3: *Do you agree that community radio should be an applicant-led process with an annual 12-week period when applications can be submitted for any neighbourhood or community in the UK?*

Yes

Question 4: *Do you agree with Ofcom's proposal to invite submissions from commercial radio operators if they consider that their economic viability might be affected by the provision of a community radio service, based on the application proposals?*

Section 106 "The effect that the provision of any such proposed service would be likely to have on the economic viability of any other local sound broadcasting service"

(50) In view of the limited service area proposed, community radio stations would be insignificant by comparison with most commercial stations except for some incremental and small-scale services where the service area is overlapped (50%+). Commercial licence holders disqualified from holding a community radio licence covering the overlapped area are entitled to protection from unfair competition and Ofcom should establish the ground rules for such situations, taking into account the restrictions placed on both types of licence and invite submissions on proposed ground rules rather than deal on a case by case basis.

Question 5: *Should there be a general limit of 50% of annual income that community radio stations are permitted to obtain from the sale of advertising and sponsorship, or should this be decided on a case by case basis?*

(53) The 50% commercial income limit assumes that the remaining half will be obtained from donations, grants, etc., unfortunately neither types of income can be controlled with any certainty and it might be impossible to get close to such a target unless it was based on notional rather than actual income.

Question 6: *Are you content with Ofcom's proposals for the submission of applications?*

(60) In most commercial licence applications, there are predictable odds, e.g. in a local licence area there might be between five and eight applicants for a single licence, the application fee can be equated to the odds of success. For community applications there are potentially very high odds, since there is no defined licence area on offer,

rather a possibility of a licence being granted anywhere in the country. The application fee should reflect this and be significantly less than a commercial area would attract.

Question 7: *Are you content with Ofcom's proposals for the order in which it will consider applications in the first year?*

(62) The proposals amount to a written examination only, with no personal contact. This should be a transparent process, if there is or has been personal contact between Ofcom and any applicant for any reason, the person(s) concerned should be removed from the adjudication process.

Question 8: *Aside from the Government's selection criteria, what other criteria should Ofcom use when deciding between applications?*

(66) There should not be a requirement for applicants to compete for frequencies. The only valid reason for having a competition is where two or more applicants wish to serve the same audience at the same time. If a licence is awarded it should be on the basis of the applicants suitability only. Frequency allocation should be made after the licence award process is completed not before. If there is a shortage of available frequencies applicants should be advised and asked if they wish to withdraw, share, revise their service area or use alternative wavebands.

(67) Giving priority in terms of the working list for deprived areas would generally be sensible, this cannot however be a valid reason for deciding *between* applications. Frequencies are allocated on the basis of technical parameters which are designed to allow satisfactory radio reception over the designated area. There is always a trade off between coverage area and number of stations but provided that there are no service area overlaps, it should be possible to provide options for all applicants. This might entail a "motorway FM" type of solution, but it has been demonstrated as technically feasible to deliver a service down one street at a time. If Ofcom is serious about providing a new dimension to radio in the UK, they will have to innovate.

Question 9: *Are you content with the proposal for listing a station's key commitments in its licence?*

(68) If there is no record of unsatisfactory performance, a community station should expect to be offered another licence at the end of the five year period. There should be sanctions available to withdraw or suspend a licence at any time, also to offer it in competition after five years, but not if the licence holder has a satisfactory record of performance. The fact that another group exists is not an acceptable reason unless it can be demonstrated that the said group has been effectively excluded from the existing licenced community station in the area. If a demand became evident during the licence period for an adjacent area to be served and no frequency could be found, the best option would be to provide a second co-channel transmitter carefully sited to allow extended coverage so that the second group could participate on a mutual basis.

(69) The key commitments within the licence conditions should be agreed on a bilateral basis with Ofcom, to reflect the need for a commitment on both sides.

Question 10: *Are you content with Ofcom's proposal that each station should produce an annual report?*

(71) Annual reports are usually presented at the AGM and this would include financial reports.

(72) Current audience research includes commercial and BBC stations, community radio would probably be a relatively small figure but could be surveyed or implied from the RAJAR reports. Social indicators could be obtained from the charity and voluntary sector and include local health and statutory services, community safety and joint forums, churches and residents associations, educational and commercial organisations.

Question 11: *Do you have suggestions on how we might research the impact of community radio services on target communities or on other methods of seeking feedback from communities?*

(73) A dedicated website with details of community radio services and on-line response.

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