



**Invitation of applications for
community radio licences:
EAST MIDLANDS, WEST
MIDLANDS and LINCOLNSHIRE**

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Section 1

Introduction

- 1.1 Ofcom, in accordance with section 104(1) of the Broadcasting Act 1990 (as amended by the Communications Act 2003 and as modified by the Community Radio Order 2004), invites applications for licences to provide community radio services in the East Midlands (Derbyshire, including the unitary authority area of Derby; Nottinghamshire, including the unitary authority area of Nottingham; Leicestershire, including the unitary authority area of Leicester; Rutland; Northamptonshire; and Peterborough), West Midlands (Wolverhampton, Dudley, Sandwell, Birmingham, Walsall, Coventry and Solihull; Staffordshire, including the unitary authority area of Stoke-on-Trent; Shropshire, including the unitary authority area of Telford and Wrekin; Warwickshire; and Worcestershire) and Lincolnshire. This part of the United Kingdom is shown as Area 6 on the map in Annex 3 to this notice. These licences are being offered for the provision of services on either the FM (VHF) waveband or the AM (medium wave) band, for a maximum period of five years from the commencement of broadcasting.
- 1.2 The closing-date for the receipt of completed applications will be **5.00 p.m.** on **Tuesday 15 January 2008**. A fee of £600 will be payable for each application submitted. This fee will not be refundable in any circumstances.

Section 2

Restricted areas

- 2.1 The Community Radio Order 2004 (SI 2004/1944) contains requirements aimed at ensuring that new community radio services do not prejudice unduly the economic viability of other local services. In this regard, two specific tiers of restrictions are included in the Order:

Areas where Ofcom cannot license community radio services

- 2.2 The Schedule to the Community Radio Order modifies Section 105 of the Broadcasting Act 1990, in relation to areas served by commercial radio stations with a measured coverage area containing an adult (aged 15+) population of 50,000 or fewer. It states that Ofcom may not license a community radio station in any such location if the measured coverage area of either the existing commercial radio service, or the proposed community radio service, overlaps by 50% or more in population terms with the measured coverage area of the other service. Details of the existing station measured coverage areas to which this restriction applies are contained in Annex 1 to this notice.

Areas where community radio services cannot generate on-air commercial revenues

- 2.3 The Schedule to the Community Radio Order further modifies Section 105 of the Broadcasting Act 1990, in relation to areas served by commercial radio stations with a measured coverage area containing an adult (aged 15+) population of between 50,001 and 150,000. It states that if the measured coverage area of either the commercial radio service or the community radio service overlaps by 50% or more in population terms with the measured coverage area of the other service, then Ofcom must include conditions in the community radio licence to prohibit on-air paid-for advertising or the sponsorship of programmes. Details of the existing station measured coverage areas to which this restriction applies are contained in Annex 2 to this notice.
- 2.4 Applicants should note that the obligation to include conditions in community radio licences to prohibit on-air paid-for advertising and sponsorship of programmes is a continuing obligation. This means that even if there is no existing overlapping commercial radio station with an adult population in its measured coverage area of between 50,001 and 150,000 at the time a community radio service licence is awarded, the prohibition of on-air paid-for advertising and programme sponsorship would be triggered at a future date were such a commercial service to be licensed. Under the terms of the Community Radio Order, Ofcom has no discretion to disapply this rule.

General impact upon local commercial and community radio

- 2.5 In addition to the specific restrictions detailed above, Ofcom must assess whether, more generally, a community radio service would prejudice unduly the economic viability of any other existing local commercial or community radio service. The application form includes questions on whether a group plans to seek revenue from the sale of advertising or sponsorship on the station. Any decisions to (for example) vary the limit on advertising and sponsorship income to a level lower than that specified in the legislation, or not to award a community radio licence, will be made

by the Radio Licensing Committee. Please see the notes of guidance for further information.

Frequency availability

- 2.6 Applicants should note that although Ofcom initially believed it would be unable to consider licensing any FM community stations in Birmingham (see 'Community Radio Licensing: Second Round' published on 13 July 2006, available at www.ofcom.org.uk/radio/ifi/rbl/commun_radio/tlproc/secondround.pdf), a change in circumstances has meant there may be a suitable frequency or frequencies available. This is because two community stations based in the West Midlands that were offered a licence in the first round have decided not to go ahead. We are unable to say how many frequencies will be available throughout the East Midlands, West Midlands and Lincolnshire, so applicants should take careful note of the information below.
- 2.7 Ofcom has been able to identify a number of areas in the country where it is unlikely that suitable frequency resources remain available for further community stations to be licensed on FM (VHF Band II) spectrum (even taking into consideration the possibility of licensing some services for mono-only broadcasting, for example) in this round. As a result, Ofcom will NOT accept applications proposing to serve on FM localities in any of the areas of the East Midlands, West Midlands or Lincolnshire listed on page 5, in this round.
- 2.8 It is important to note that the list of areas below may not be exhaustive. In some areas of the country Ofcom has not carried out a detailed audit of frequency availability for community radio. This means that Ofcom may not be able to identify suitable FM frequencies in some areas not included in the following list. This being the case, prospective community radio operators should note that applications are made entirely at their own risk. Therefore if we are able to license a service in these areas it may be for coverage of significantly less than a 5km radius (in general we endeavour to identify a frequency that would deliver coverage of up to a maximum of 5km radius for FM community services). In some cases a licence may only be available for broadcasting on FM in mono, rather than stereo. Applicants may wish to consider instead applying for a licence to broadcast on AM, please see the notes of guidance referred to in section 3.1 for further information.

Areas in the East Midlands, West Midlands and Lincolnshire in which Ofcom will not accept applications for community radio licences broadcasting on FM

- City of Nottingham
- Nottinghamshire – Gedling District
- Telford & Wrekin Unitary Authority
- City of Wolverhampton Metropolitan District

Section 3

Guidelines and procedures for submission of applications

- 3.1 The application form, notes of guidance for applicants, and other supporting documentation, may be obtained from the Ofcom website at: http://www.ofcom.org.uk/radio/ifi/rbl/commun_radio/, or on written request from communityradio@ofcom.org.uk or Community Radio Licensing, 5th Floor, Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.
- 3.2 At least one typed copy of an application in English should be submitted.
- 3.3 One electronic or paper copy of an application must be received by Ofcom no later than the closing-date specified in Section 1 of this Notice. Applications received after this time will not normally be accepted. All applications will be acknowledged upon receipt (by email or written receipt). Paper copies of applications, together with any supporting documentation, must be sent to the address given in 3.1 above. If e-mail is the chosen method of submission, the application must be sent to communityradio@ofcom.org.uk. Applicants should be aware, however, that e-mails are not an instantaneous means of communication, especially when they have large attachments. Applicants are therefore strongly advised to submit e-mail applications at least 48 hours in advance of the closing-date, so that urgent steps can be taken by the applicant if no acknowledgement from Ofcom is received.
- 3.4 Payment of the application fee must also be received (i.e. the funds must be present in the Ofcom bank account) by the closing-date specified in Section 1 of this Notice. Applicants may submit their payment by any of the following methods:
- a) Payment by BACS into the Ofcom bank account (sort code: 30-97-90, account number: 00782415, account name: Ofcom). Please note that any payments made using this method will take at least three working days to reach the Ofcom account. In the mandate reference field of your payment, please write 'CR' followed by the applicant's company name or proposed station name.
 - b) Payment by CHAPS into the Ofcom bank account (details as above). Please note that although this is a 'same day' payment method, applicants intending to submit their payment on the closing-date itself should confirm with their bank the deadline for ensuring that it is received by Ofcom on that date. In the mandate reference field of your payment, please write 'CR' followed by the applicant's company name or proposed station name.
 - c) Payment by cheque. Cheques must be made payable to 'Ofcom', and posted to the address given in 3.1 above. If an applicant wishes to submit a cheque without an accompanying paper copy of the application, the cheque must be accompanied by a note detailing the applicant's company name or proposed station name.
- 3.5 Failure to comply with any of the above guidelines is likely to result in the disqualification of the application.

Annex 1

Existing local services with a measured coverage area which contains a population of 50,000 adults (aged 15+) or fewer

- | | | |
|----|-------------------|----------------------|
| 1) | Rutland FM | Rutland Radio |
| 2) | Worksop FM | Trax FM |

Annex 2

Existing local services with a measured coverage area which contains a population of between 50,001 and 150,000 adults (aged 15+)

1)	Rugby FM	Rugby FM
2)	Hinckley FM	Fosseway Radio
3)	Buxton FM	High Peak Radio
4)	Loughborough FM	Oak FM
5)	Kidderminster FM	The Wyre
6)	Grimsby FM	Compass FM
7)	Shrewsbury & Oswestry FM	The Severn
8)	Telford FM	Telford FM
9)	Peterborough FM2	Lite FM
10)	Ludlow AM	Sunshine 855
11)	Mansfield FM	Mansfield 103.2

Annex 3

Regional map

A3.1 Applications are invited for licences to provide community radio services in localities within the East Midlands, West Midlands and Lincolnshire. This is marked as area 6 on the map below.

