

# Application form for transfer of an existing Television Licensable Content Service (TLCS) licence

**Ofcom licence number:** .....

**Name of current licensee**

.....

**Name of existing service** (i.e. the current name of the service)

.....

**Name of proposed licensee** (i.e. the company, partnership etc. applying for the licence)

.....

**Name of new service** (if service name is changing)

.....

# Contents

Section		Page
1	About this form	3
2	Applicant's contact details	6
3	Jurisdiction of the applicant	10
4	Details of directors, partners or governing members of the applicant	13
5	Details of applicant's shareholders, members and participants	16
6	Eligibility requirements	19
7	The proposed service	26
8	Compliance of the service	31
9	Checklist for supporting documentation and application fee	34
10	Confidentiality requests	35
11	Declaration	36

## Section 1

# About this form

## The purpose of this form

- 1.1 You should complete this form if you are applying to transfer your Television Licensable Content Service (TLCS) licence from the existing licensee company to a different company. A TLCS licence is transferrable only with Ofcom's prior written consent. A request for consent to transfer a licence must be submitted by the proposed transferee using this transfer application. The form must be accompanied by a written letter from the authorised individual<sup>1</sup> of the current licensee consenting to the transfer application. To be able to consent to a transfer of a licence, Ofcom must be satisfied that the proposed transferee can comply with all of the conditions of the licence. We therefore require the same information about the proposed transferee as when considering an application for a licence from a new applicant. We may need to ask for further information before deciding whether to consent to a transfer of a licence. Please read the Guidance notes for Licensees carefully before completing this form:  
[http://www.ofcom.org.uk/data/assets/pdf\\_file/0012/36201/tlcs\\_guidance\\_notes\\_for\\_licensees.pdf](http://www.ofcom.org.uk/data/assets/pdf_file/0012/36201/tlcs_guidance_notes_for_licensees.pdf)

## Application fee

- 1.2 A non-refundable application fee of £1,000 is payable either by cheque made out to 'Ofcom' or by BACS (if paying the application fee by BACS, please submit a copy of the BACS remittance with your application). **Please note that failure to pay the required fee will delay your application.**

## How to complete the form

- 1.3 This form should be completed by the company that the licence will be transferred to should Ofcom approve the transfer. The questions in this form are the same as for new licence applicants. 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. Please read this guidance and the frequently asked questions carefully before completing this form:  
[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/10883/tlcs_guidance.pdf)
- 1.4 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.
- 1.5 Please download the form:  
[https://www.ofcom.org.uk/data/assets/pdf\\_file/0015/32154/tlcs-transfer-application-form.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0015/32154/tlcs-transfer-application-form.pdf) and fill it in on a computer. If completing by hand, please use block capitals and black ink.

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<sup>1</sup> In the case of: a) a company, this will be the company secretary or clerk; b) a partnership, this will be a partner or another person who is in control of the business; and c) an unincorporated body or association, this will be a member of the organisation's governing body.

1.6 Application forms must be submitted in hard copy to:

Ofcom  
Broadcast Licensing  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

1.7 If you are completing the form as an agent, i.e. you are acting on the applicant individual's or company's behalf, 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 there are further clarifications required by Ofcom once the application has been submitted these will be made to the applicant, not to the agent.

1.8 Please answer all the questions as fully as possible, use extra sheets if required and, if necessary, send copies of documents to illustrate an answer. 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 TLCS licences. Ofcom may need to request further details from you before a licence can be granted.

1.9 Please respond with 'N/A' for any questions that are not applicable to you. If you do not respond to questions, Ofcom will consider the application form to be incomplete.

## Supporting documentation

1.10 You must provide a range of supporting documentation when submitting this application form. Please refer to the checklist in Section 9 of this form for full details. **Please note that failure to supply the necessary documents will delay your application.**

## Provision of Information

1.11 Ofcom requires complete and accurate information. 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.

1.12 It is an offence under the Broadcasting Act 1996 (as amended) to provide false information or withhold relevant information during the applications process, and may be grounds for revocation of a licence subsequently granted.

## Publication of information about applications and licensed services

1.13 Please tell us if you consider any information you have provided as part of your application to be confidential (see section 10). If so, we will treat this request seriously and will try to respect this. However, sometimes we will need to publish applications, including those marked as confidential, in order to meet legal obligations, for example under the Freedom of Information Act 2000.

- 1.14 When a licence is granted, the name of the service, contact details for the licensee and a brief description of the licensed service 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)).
- 1.15 Ofcom considers issued TLCS licences to be public documents and copies of licences will be made available to third parties on request.
- 1.16 Ofcom publishes a monthly update 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 at: <http://licensing.ofcom.org.uk/tv-broadcast-licences/updates/>

## **Data Protection**

- 1.17 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 [www.ofcom.org.uk/about-ofcom/foi-dp/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.

## Section 2

# Applicant's contact details

### About this section

In this section, we are asking you for basic details about the applicant company the licence will be transferred to should the transfer be approved by Ofcom. This will usually be a limited company, but it could be another type of organisation or an individual.

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

We are asking for this information so that Ofcom knows precisely who to contact at the applicant company during the application process and if Ofcom consents to the transfer of the licence.

For example, Ofcom requests certain information from its licensees every year. This is 'market intelligence data', including information about the service's turnover (used to calculate subsequent licence fees) and any European productions. You will need to provide a specific contact for Ofcom to seek this information and for a number of other matters.

**If Ofcom consents to the transfer of the TLCS licence to the applicant company, it will be a condition of your licence that the licence holder must let us know as soon as possible of any changes to the information provided in this section.**

- 2.1 If you are granted a licence Ofcom would like to be able to send some specific notifications and documents by email only<sup>2</sup>. By ticking the box below, you consent to receiving the following correspondence by email only, to the Licensing, Finance, Market Intelligence Data and/or Compliance contacts detailed in response to questions 2.6 to 2.8 and 8.1<sup>3</sup>. All other correspondence, documents and notifications will be sent by post.
- a) Request for the licensee to provide a recording of broadcasting content.
  - b) Request for information in relation to a broadcast licensing or standards assessment or investigation.
  - c) Request for representations on the licensee's compliance with the relevant licence conditions and/or rules (e.g. Broadcasting Code rules) during an investigation.
  - d) Request for representations on Fairness and Privacy Entertainment Decisions.
  - e) 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.
  - f) Request for comments on factual inaccuracies in draft Decision or Adjudication.

**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.

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<sup>2</sup> In accordance with Section 395 of the Communications Act 2003.

<sup>3</sup> If, after you have submitted this form, you later inform us that your Licensing, Finance, Market Intelligence Data 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 by post.

2.2 Name of applicant (i.e. the company, organisation or individual that will hold the licence should the transfer of the licence be approved by Ofcom):

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2.3 Company registration number (if applicable):

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2.4 Address of the applicant's registered office (if a company), or principal office:

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2.5 Contact details of the individual duly authorised by the applicant for the purposes of making this application. If you are:

- a company, this individual should be the company secretary;
- a partnership, this individual should be a partner, or another person who is in control of the business;
- 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 1.9).

<b>Name</b>	
<b>Job title</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Mobile phone</b>	
<b>Email</b>	

2.6 Contact details for the Licence Contact<sup>4</sup>

(N.B. In Section 8 you will also be required to provide contact details for the Compliance Officer for the content of the licensed service. These two contacts can be the same person if appropriate):

<b>Name</b>	
<b>Job title</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Mobile phone</b>	
<b>Email</b>	

2.7 Contact details for Ofcom regarding invoicing/payment of licence fees:

<b>Name</b>	
<b>Job title</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Mobile phone</b>	
<b>Email</b>	

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<sup>4</sup> 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; changes to the licence; and responding to information requests,



2.8 Contact details for Ofcom regarding submission of 'market intelligence data' (see definition of 'market intelligence data' in the notes at the beginning of this section):

<b>Name</b>	
<b>Job title</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Mobile phone</b>	
<b>Email</b>	

2.9 If Ofcom consents to the transfer of the licence to the applicant company, it is Ofcom's practice to publish some contact details for the new licensed service on our website and/or in other relevant Ofcom publications. Please provide contact details below which can be used for this purpose:

<b>Name</b>	
<b>Job title</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Mobile phone</b>	
<b>Email</b>	

2.10 If the service has a website, please provide the website address below, which will be published, as above, on our website and/or in other relevant Ofcom publications.

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## Section 3

# Jurisdiction of the applicant

### About this section

Ofcom must be satisfied that the applicant falls under UK jurisdiction, as defined in the current European legislation (ie. the Audiovisual Media Services Directive) and national law.

Applicants fall under UK jurisdiction either through **establishment criteria**, where the applicant is based in the UK or, through secondary **technical criteria**, in cases where there is no European establishment.

Before completing this section of the form, you should read paragraphs 4.5 to 4.12 of Ofcom's Guidance notes for licence applicants:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/10883/tlcs_guidance.pdf)

This guidance includes full details of the criteria (including a flowchart) which will help you to determine if you fall under UK jurisdiction.

The details we are seeking in this section include locations of the applicant's offices and where, and by whom, the scheduling and other editorial decisions will be made.

3.1 The Head Office of the applicant body:

3.2 The address(es) where editorial decisions regarding programming are/will be taken:

3.3 Does the applicant carry out (or will it carry out) any of its activities in more than one location?

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

**If yes, please list these locations below:**

3.4 Does the applicant have offices in more than one location?

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

**If yes, please list these locations below:**

3.5 The address(es) where the scheduling decisions regarding the service are/will be taken:

3.6 The address(es) where management meetings are/will be held:

3.7 If the applicant is a company, the address(es) where shareholders' meetings are/will be held. State 'N/A' if not applicable:

3.8 What functions in relation to broadcasting are/will be performed in each location?

3.9 How many employees are/will be based in each location?

3.10 How many employees does/will the applicant have in total?

## Section 4

# Details of directors, partners or governing members of the applicant

### About this section

In Section 4, we are asking for details of the directors of the applicant company, and – where applicable – the directors of the applicant’s parent and associated companies. If the applicant is a partnership, unincorporated association or other type of body, please provide details of its partners or governing members as applicable.

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

If the applicant is not a company, similar information should be provided about those responsible for management and policy-making.

Before completing this section of the form, you should read paragraphs 4.13 to 4.15 of Ofcom’s Guidance notes for licence applicants:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/10883/tlcs_guidance.pdf).

4.1 Please provide the following details for **each director, partner or governing member** of the applicant:

Name of individual:	Home address:	Country of residence:	Other directorships, partnerships or memberships held (and nature of the business concerned):	Other offices of employment held:

4.2 If applicable, please provide the following details for **each director, partner or governing member** of **any body** that is listed in response to question 4.1 **which holds**, or is beneficially entitled to, **an interest of more than 5% in the applicant**:

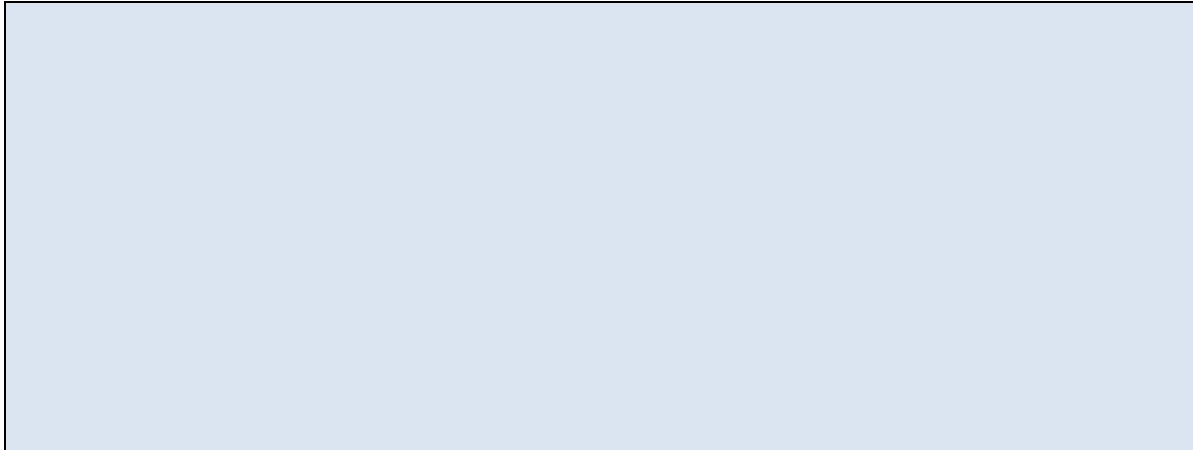
Name of individual:	Home address:	Country of residence:	Other directorships, partnerships or memberships held (and nature of the business concerned):	Other offices of employment held:

4.3 If applicable, please provide the following details for **each director, partner or governing member** of **any body** (as listed in response to question 4.2) that is the **ultimate controlling parent company or body** of the applicant.

Name of individual:	Home address:	Country of residence:	Other directorships, partnerships or memberships held (and nature of the business concerned):	Other offices of employment held:

- 4.4 Please list names of **directors, partners or governing members** who have any past or present connection with another Ofcom Broadcasting Act licensee, the BBC or S4C. This includes any connection via a controlling company or a company that is a participant with more than 5% interest.

Please state the name and licence number of the licensee to which the connection relates and include details of their involvement (for example, the position held and main areas of responsibility).



## Section 5

# Details of applicant's shareholders, members and participants

### About this section

Section 5 applies to applicants which are companies. If the applicant is not a company, please go straight to Section 6.

In this section, we request details of the shareholders/members of the applicant company. We need this information to determine who ultimately controls the applicant company.

Before completing this section of the form, you should read paragraphs 4.13 to 4.15 of Ofcom's Guidance notes for licence applicants:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/10883/tlcs_guidance.pdf) and guidance on the definition of 'control' of media companies:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/45292/media\\_statement.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/45292/media_statement.pdf)

If you need more space to fill in the details, either expand the boxes or provide the information in a separate annex.

- 5.1 Please provide an organisational chart showing the relationship (including percentages of shares held) between the applicant company and any subsidiary companies, parent companies, holding or nominee companies.
- 5.2 Please complete the following table, expanding it if necessary, to list **all shareholders, members or participants** (corporate or individual) who have an interest of more than 5% in **the applicant company**:

Applicant company details				
Name of shareholder, member or participant (existing and or proposed)	Number of shares	Total investment (£s)	Total investment (%)	% of Vote rights



5.3 Please complete the following table, expanding it if necessary, to list **all shareholders, members or participants** (corporate or individual) **of any body** that is listed in response to question 5.2 and **that holds**, or is beneficially entitled to hold, **an interest of more than 5%** in the applicant company:

<b>Name of body:</b>				
Name of shareholder, member or participant (existing and proposed)	Number of shares	Total investment (£s)	Total investment (%)	% of Vote rights

5.4 If the body/bodies listed in 5.3 is controlled by another body, please complete the following table, expanding it if necessary, to list all shareholders/members or participants (corporate or individual) of the body in question (if that company has not already been listed above at 5.2).

<b>Name of company:</b>				
Name of shareholder	Number of shares	Total investment (£s)	Total investment (%)	% of Vote rights

5.5 Please provide, if applicable, the name and address of any other individuals or companies in accordance with whose wishes the applicant's affairs (or those of any body which controls the applicant) are, or will be, conducted.

Name	Address

5.6 Please confirm whether or not the applicant is receiving, or is likely to receive, any other form of funding and/or financial assistance and, if so, provide details of who is providing that funding/financial assistance and the extent of it.

5.7 Is the applicant company ultimately controlled by another entity<sup>5</sup> and, if so, what is the name of that entity?

Please read our guidance on the definition of 'control' of media companies [https://www.ofcom.org.uk/data/assets/pdf\\_file/0022/45292/media\\_statement.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0022/45292/media_statement.pdf) and paragraphs 52 to 53 of Ofcom's Guidance notes for licence applicants.

<sup>5</sup> Within the meaning of Schedule 2, Part 1 of the Broadcasting Act 1990.

## Section 6

# 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 Ofcom refusing to transfer the licence to the applicant – this will depend on all circumstances of the applicant as a whole – but Ofcom may ask for further details.

Before completing this section of the form, you should read paragraph 4.16 of Ofcom's Guidance notes for licence applicants:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/10883/tlcs_guidance.pdf).

### Criminal convictions

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

- 6.1 Have **any of the directors, shareholders, members or other individuals** listed in Sections 4 and/or 5 of this application **been convicted of a criminal offence** committed before the date of this application (in any jurisdiction) or received a civil penalty (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.

<b>Name:</b>	
<b>Date of conviction/action (dd/mm/yy):</b>	
<b>Penalty:</b>	
<b>Country:</b>	

## Insolvency and bankruptcy

- 6.2 Have any of the directors, shareholders, members or other individuals listed in Sections 4 and/or 5 of this application ever been declared bankrupt?

**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.

- 6.3 Have any directors, partners or governing members listed in Section 4 and/or 5 of this application ever been directors, partners or governing members of a body 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

- 6.4 Have any of the directors, shareholders, members or other individuals listed in Sections 4 and/or 5 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

- 6.5 Have any of the directors, shareholders, members or other individuals listed in Sections 4 and/or 5 of this application ever been excluded from a professional or trade body 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

6.6 In relation to the details provided in Sections 4 and/or 5 of this application, please state **whether any individual or body**, 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. **If none apply, this must be clearly stated as 'N/A'.**

Activity/involvement	Please indicate any involvement with an "X"	Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement
a) A local authority		
b) A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body		
c) A body whose objects are wholly or mainly of a religious nature <sup>6</sup>		
d) An individual who is an officer of a body falling within (b) or (c)		
e) 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)		
f) An advertising agency or an associate of an advertising agency		

<sup>6</sup> Please refer to Sections 3 to 5 of Ofcom's religious guidance note at: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0028/88219/Guidance-for-religious-bodies.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0028/88219/Guidance-for-religious-bodies.pdf) for details on how we determine the eligibility of religious bodies to hold certain broadcasting licences.

6.7 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.

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**Details of applications, licences, on-demand programme services and sanctions**

6.8 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

6.9 Does the applicant control an existing 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

6.10 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 licence details expanding the table if necessary:

Licence number	Name of service

6.11 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 licence details expanding the table if necessary:

Licence number	Name of service

6.12 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 was unsuccessful?

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

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

Proposed name of service

6.13 Please indicate below whether the applicant provides, or intends to provide, a video on demand service/s.

a) **Yes**, I currently provide a video on demand service/s.

b) **Yes**, I intend to provide a video on demand service/s in the future.

If so, please indicate on which date/s you plan to launch the service/s:

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c) **No**, I do not currently provide or intend to provide a video on demand service

6.14 If you have answered a) to Question 6.13, and the criteria which sets out what a video on demand service is are met, you are required to notify Ofcom<sup>7</sup>. Please tick the statement below that applies to you:

- a) I have already notified the service/s to Ofcom (or ATVOD<sup>8</sup> prior to 1 January 2016).

If so, please provide the name/s of the service/s you notified:

- b) I plan to notify along with or shortly after this application<sup>9</sup>; or

- c) I do not plan to notify the service.

If you have ticked c), please indicate why:

6.15 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).

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

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

<sup>7</sup> The criteria are set out in section 368A(1) of the Communications Act 2003. Applicants must notify Ofcom if the criteria are met in accordance with section 368BA. Ofcom has also produced Guidance notes on who needs to notify an on demand programme service to Ofcom, available at: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0028/71839/guidance\\_on\\_who\\_needs\\_to\\_notify.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0028/71839/guidance_on_who_needs_to_notify.pdf)

<sup>8</sup> The Authority for Television on Demand (ATVOD) regulated editorial on demand services until 31 December 2015.

<sup>9</sup> Ofcom's notification form for on demand service providers is available at: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/on-demand/rules-guidance>



6.16 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:

<b>Licence number (or equivalent)</b>	<b>Name of service</b>	<b>Nature of the breach</b>	<b>Sanction imposed</b>	<b>Date sanction imposed</b>

6.17 In relation to **any of the directors, shareholders, members or other individuals** listed in Sections 4 and/or 5 of this application, please provide any information which you think may be a relevant consideration for Ofcom in determining whether or not the applicant is fit and proper to hold a Broadcasting Act licence.

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## Section 7

# The proposed service

### About this section

Section 7 asks you to describe your programme service and its target audience. The applicant must complete this section even if the new service is identical to the existing service.

If Ofcom consents to the transfer of the licence to the applicant, the information provided in this section will be used to form the basis of an annex to the new licence. The applicant 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.

Applicants should note that psychic and/or 'adult' content including 'adult chat' and 'adult sex chat' (even if only in teleshopping windows) is not permitted unless it is specifically authorised by the licence (see paragraph 4.33 of the guidance notes for applicants: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/10883/tlcs_guidance.pdf)). Therefore if you are intending to broadcast this type of content, you must make this clear in your application so that it can be reflected in the annex of the licence.

**If Ofcom consents to the transfer of the licence and you 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** (see 2.3 of the Guidance notes for licensees [https://www.ofcom.org.uk/data/assets/pdf\\_file/0012/36201/tlcs\\_guidance\\_notes\\_for\\_licensees.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0012/36201/tlcs_guidance_notes_for_licensees.pdf)).

If the proposed service will be simulcast in more than one territory and there will be no differences in the service between those territories other than language dubbing, you will not normally be required to have an additional licence. If there will be differences, such as order of schedule, or local advertising, you will normally require a separate licence. Please refer to our Guidance note on services broadcast into multiple territories ([https://www.ofcom.org.uk/data/assets/pdf\\_file/0015/10437/licensing-position.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0015/10437/licensing-position.pdf)).

However, if the proposed service will be receivable in territories in which the EU Audiovisual Media Services (AVMS) Directive does not apply, applicants will need to contact the local regulator to find out if a separate licence, or notification is needed in that territory.

### General

7.1 What is the name of the proposed service as it will appear on the Electronic Programme Guide (EPG)?

7.2 When is the projected date of first transmission?

7.3 Who is the target audience of your proposed service?

7.4 Will the service be received:

(i) In the United Kingdom? If so, in a particular area or locality?

(ii) In any other European Union (EU) countries? If so, where?

(iii) In any non-EU countries? If so, where?

7.5 In what language(s) will the service be transmitted?

7.6 Does this service already broadcast outside of the EU? If so please provide details of where this service is available, and if the proposed service would be a direct feed from the existing service.

7.7 Will the service be free to air, subscription-based or pay per view?

7.8 What will be the hours of transmission (e.g. hours per day/week or, in the case of one-off events, the date and time of transmission)?

7.9 How will the service be delivered (e.g. who is the carrier/uplink/downlink)?

See 4.19 of the Guidance notes for licence applicants for further details about methods of service delivery.

(a) If the service is to be distributed by satellite, please provide:

(i) the location of the uplink

(ii) the transponder the service will be broadcast on

(iii) the Earth station name

(iv) the satellite name and location

(b) If the service is to be made available by means of a radio multiplex, what is the identity of the multiplex and the multiplex operator, and what will be the amount of digital capacity used?

### Nature of the service

7.10 Applicants should provide a brief description of the service content which will be used to describe the service in an annex to the licence. This description will be included in an annex to the licence to summarise the nature of the service.

7.11 What type of service do you intend to provide (choose one)? See paragraphs 4.27 to 4.30 of the Guidance notes for licence applicants for further details about types of service.

Type of service	Please tick one
Editorial	<input type="checkbox"/>
Self-promotional	<input type="checkbox"/>
Teleshopping	<input type="checkbox"/>

- 7.12 If the answer to 7.11 is 'editorial', please indicate which genres will be included in your service. If your answer to question 7.11 is 'teleshopping' or 'self-promotional' please proceed to question 7.13.

Type of service	Please tick all that apply
Adult (subscription-based) <sup>10</sup>	<input type="checkbox"/>
Children's/Youth	<input type="checkbox"/>
Electronic Programme Guide (EPG)	<input type="checkbox"/>
Gaming (i.e. skills based games – not gambling)	<input type="checkbox"/>
General entertainment	<input type="checkbox"/>
Music	<input type="checkbox"/>
News	<input type="checkbox"/>
Religious	<input type="checkbox"/>
Sport	<input type="checkbox"/>
Teleshopping windows or spots	<input type="checkbox"/>
User generated content	<input type="checkbox"/>

- 7.13 If the proposed service is identical to an existing service licensed as a Digital Television Programme Service (DTPS) or Digital Television Additional Service (DTAS), please confirm and provide the DTPS/DTAS licence number.

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- 7.14 Adult chat, adult sex chat, psychic or gambling (odds based) content must be licensed as teleshopping. See paragraph 4.33 of the Guidance notes for licence applicants for further details about how these content genres are regulated. These types of content are only authorised if detailed in the Annex to the licence.

If your answer to question 7.11 is 'teleshopping', please indicate whether you intend to include adult chat, adult sex chat, psychic or gambling (odds based) content as part of your proposed service.

	Please tick all that apply
Adult chat content	<input type="checkbox"/>
Adult sex chat content	<input type="checkbox"/>
Psychic content	<input type="checkbox"/>
Gambling (odds based) content	<input type="checkbox"/>

<sup>10</sup> i.e. Adult services not based on teleshopping –see question 7.14 onwards

- 7.15 Please describe in detail any interactive elements e.g. premium rate telephony services which the applicant intends to use as part of the service (e.g. the technology used, the purpose of the interactive element, and any charges to viewers for interacting).

- 7.16 If you have indicated that there will be interactive elements as part of the service which charges the viewer for interacting, please indicate whether, and if so, how these will be used to finance the channel.

- 7.17 Do you intend to incorporate any gambling in your service?

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

*Note: You will need to submit with your application, a copy of your licence from the appropriate authority.*

## **Advertising, sponsorship and product placement**

- 7.18 Do you intend to transmit advertising (including teleshopping)?

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

If, 'No' please go straight to question 7.22.

- 7.19 What form will the advertising or teleshopping take (spot advertising, teleshopping windows)?

- 7.20 What amount of spot advertising do you intend to transmit? Please provide an **average number of minutes for each hour of programming**.

- 7.21 What amount of teleshopping do you intend to transmit? Please provide an **average number of hours per day**.

- 7.22 Do you plan to broadcast sponsored programmes (not applicable to teleshopping services)?

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

## Section 8

# Compliance of the service

### About this section

Section 8 asks you to describe the compliance arrangements for the proposed licensed service, i.e. the arrangements which the applicant is putting 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 Code on the Scheduling of Television Advertising
- the Access Services Code
- the UK Code of Broadcast Advertising (BCAP Code)
- the PhonePayPlus Code of Practice

Condition 17 of a TLCS licence requires that you have compliance procedures in place, and this section asks that you demonstrate the ability to meet this licence condition.

Before completing this section of the form, you should read paragraphs 4.36 to 4.38 of Ofcom's Guidance notes for licence applicants, where you will also find links to the codes and rules listed above:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/10883/tlcs\\_guidance.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/10883/tlcs_guidance.pdf)

## General compliance

8.1 Please provide details of the person who will act as Compliance Officer:

<b>Name</b>	
<b>Job title</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Mobile phone</b>	
<b>Email</b>	

8.2 Please give details of any compliance training and/or practical compliance experience (including dates) the person named in 8.1 has with respect to the relevant codes and rules (for example, those referred to in the box at the start of this section).

8.3 How many staff does the applicant have in its compliance team? Please provide the names of the individuals involved and a brief description of the functions they will be performing.

8.4 Please provide the full address of where the compliance team will be based.

8.5 How does the applicant intend to train staff on relevant codes and rules?

8.6 Please provide detailed information to explain the procedures and processes the applicant has put in place to ensure that the content it broadcasts is compliant with the relevant codes and rules (e.g. provide details or copies of procedure documents or other guidance drafted for staff).



## European productions & sourcing of content

- 8.7 Please state how you will ensure that your service meets the requirements of the EU AVMS Directive for European productions (i.e. at least 50% of transmission time devoted to European works and at least 10% of transmission time devoted to European independent productions).

- 8.8 If it is not practicable for your service to meet the requirements for European productions, you must state why your service should be exempt.

## Other information

- 8.9 Is there any other information which the applicant believes Ofcom would reasonably expect notice of or you would like Ofcom to take into account when considering this application?

## Section 9

# Checklist for supporting documentation and application fee

9.1 This application form must be accompanied by the following supporting documentation. The application will not be processed until all the supporting documentation has been received.

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

**Please note that failure to supply the necessary documents will delay your application.**

- (a) A copy of the Memorandum and Articles of Association (or, if the applicant is a body corporate without such, the nearest equivalent, e.g. partnership documents or other agreements, along with a translation, if it is not in English), together with copies of any resolution amending or updating them.
- (b) 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).
- (c) The most recent accounts of the applicant (not applicable to recently established entities).
- (d) 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 companies to which it is connected.
- (e) A copy of the contract between the applicant and the satellite uplink provider or the satellite provider (as applicable).
- (f) An indicative schedule of the content of the proposed service.
- (g) A diagram detailing the applicant's compliance structure.
- (h) A copy of gambling licence/permit (if applicable).
- (i) If you are an agent, a letter authorising you to act on the applicants behalf.
- (j) The application fee of £1,000 payable by cheque made out to 'Ofcom' or BACS (if paying the application fee by BACS please submit a copy of the BACS remittance with your application).



## Section 11

# Declaration

### About this section

This form must be signed by an appropriately authorised signatory of the applicant (i.e. a director, or company secretary). The form can be signed electronically but please note that we also require a hand signed and dated document for our records.

### I declare and warrant

- 11.1 I hereby apply to the Office of Communications (Ofcom) for the grant of a licence for the Television Licensable Content 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.
- 11.2 I further declare and warrant:
- a) 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;
  - b) that having made all reasonable enquiries neither the applicant nor any person controlling the applicant, as result of the grant to me of the licence, breach any requirement of Schedule 14 to the Communications Act 2003;
  - c) that the applicant is not disqualified by virtue of the provisions of section 143 (5) of the Broadcasting Act 1996 in relation to political objects and the provisions of section 144 (3) of the Broadcasting Act 1996 in relation to the provision of false information or through the withholding of information with the intention of misleading Ofcom; and
  - d) that no director or person concerned directly or indirectly in the management of the Licensee is subject to a disqualification order as defined by section 145 (1) of the Broadcasting Act 1996.
- 11.3 I understand that Ofcom reserves the right to revoke the licence(s) 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 licence.
- 11.4 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 licence have been made known to Ofcom as part of this application.

Signature<sup>11</sup> .....

Name (BLOCK CAPITALS) .....

Position .....

Date .....

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<sup>11</sup> This form must be signed by the duly authorised individual on behalf of the applicant. In the case of: a) a company, this will be a director or the company secretary or clerk; b) a partnership, this will be a partner or another person who is in control of the business; and c) an unincorporated body or association, this will be a member of the organisation's governing body. This form must not be signed by an agent acting on behalf of the applicant.