



## Community Radio: future licensing and technical policy

Consultation

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Closing Date for Responses: 22 December 2016

## About this document

There are nearly 250, Ofcom-licensed, community radio stations broadcasting in locations across the UK. These stations are small, not-for-profit, services which bring a range of benefits to their target communities, and are run with the help of volunteers.

Ofcom is coming to the end of its third round of community radio licensing and would like to offer more licences where suitable spectrum is available. We propose to run a fourth round which is shorter and more focused than previous rounds, and this Consultation seeks views on our preferred licensing approach for this forthcoming round.

We have also had feedback regarding our current technical policy. Some existing stations and applicants feel that it does not sufficiently take into account individual station requirements, which may differ. As a result, we are considering changing it. We are seeking views on a revised technical policy which would take into account individual stations' requirements, and consider requests from stations to improve the coverage in the area they are licensed to cover and/or to extend the area they are licensed to cover to an adjoining area or locality.

We are also seeking views on which aspects of our community radio work we should be prioritising after our current round of licensing is completed. We currently consider that inviting applications for new licences should be our first priority, followed by considering requests for improvements to coverage within the existing licensed area, and requests for extending licensed areas into an adjoining area or locality, and then planning for the future licensing of small-scale DAB services.

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## Section 1

# Executive summary

- 1.1 Since the Community Radio Order 2004 (the Order) came into force there has been a specific statutory framework for the licensing of community radio services. Ofcom made a policy decision to start licensing such services as soon as the legislation came into force. The legal framework for community radio established by the Order (as amended) provides the basis upon which Ofcom invites applications to run community radio stations, considers those applications, and awards licences to operate those services.
- 1.2 Ofcom has conducted three licensing rounds (the third is nearing completion) and has considered more than 600 applications for licences. There are almost 250 stations broadcasting at locations across the UK. Community radio can bring great benefits to local citizens. Stations usually broadcast to an area of around a 5km radius (sometimes more), and are run, on a not-for-profit basis, with input from local volunteers. Stations offer training to people in their target communities, strengthen community links, encourage discussion and bring other community benefits.
- 1.3 We consider there are three key factors to consider in relation to the future of community radio:
  - Small-scale DAB: a recent trial has been successful. Ofcom will work with Government to decide whether and how to introduce small-scale DAB licensing, which will enable community radio services to broadcast on the digital platform;
  - Continuing demand for analogue licences: we know of some potential applicants who want the opportunity to apply for a licence;
  - Coverage area improvements for existing services: a number of existing stations have asked how they might improve their coverage.
- 1.4 We anticipate that our current (third) round of licensing will draw to a close in late spring 2017, and that licensing of small-scale DAB services may not commence before 2018. In the interim, we propose to license more analogue services, as well as consider coverage improvements for existing services. This Consultation invites views on different licensing approaches, each of which is designed to keep the licensing round short and focused. It also re-considers our current community radio technical policy, and sets out the options we consider appropriate for considering requests for improvements to coverage. In addition, we are seeking views on which work we should prioritise.
- 1.5 There are four different licensing options we put forward in this Consultation (it is not necessarily the case that these options are mutually exclusive, and it is possible that a mixture of some of them may be the best outcome). They are:
  - a) Invite applications only from areas with no existing community radio service;
  - b) Invite applications only from areas with greater availability of FM frequencies;

- c) Targeted invitation: invite applications where we have evidence of demand (using 'expressions of interest') after checking that there is a suitable FM frequency available;
  - d) Invite applications in areas where a frequency has become available (e.g. after a station has surrendered its licence).
- 1.6 Ofcom's preferred option is (c), the 'targeted invitation' approach. Alongside this Consultation we are inviting 'expressions of interest' from groups interested in applying for a licence. It is our intention to use these, and responses to this Consultation, to help us decide if our preferred option is the best approach, and if so, to help inform us where to invite applications (after first checking FM frequency availability).
- 1.7 We also consider now is an appropriate time to re-consider our technical policy. We have had feedback that our current policy does not sufficiently take into account individual station requirements, which may differ. The problems stations experience include: interference, transmission site issues, and patches of poor/no reception within their coverage area. We have also been contacted by services that wish to expand their coverage, and are aware that local demographic changes may be a factor in some cases.
- 1.8 When considering any requests for coverage improvements we need to take into account the opportunity cost. That is, the impact a change would have on our ability to license new services, or to allow coverage improvements elsewhere. Increasing the coverage of one service may prevent use of a frequency for another station which would otherwise have been suitable.
- 1.9 In addition to the scope to allow a station to improve its coverage in the area it is licensed to cover, Ofcom also has the power to authorise an extension to a licensed area into any adjoining area or locality<sup>1</sup>. Under the terms of the statute, Ofcom may only exercise this power if it would not result in a significant increase in the licensed area, or if it considers that the increase in the licensed area is justifiable in the exceptional circumstances of the case.
- 1.10 There are six core considerations that we propose to use when considering, on a case by case basis, whether or not to consent to requests for extending coverage of the existing licensed area into an adjoining area or locality. We are seeking views on these core considerations. In summary, they are:
- whether the area or locality into which the licensee wishes to extend its coverage has a relationship or affinity to the existing licensed area (e.g. whether a coverage extension would be appropriate in view of a station's stated target community);
  - whether the increase in the licensed area could be reasonably considered to be "significant";
  - whether there are any exceptional circumstances which would justify an increase which would be reasonably considered to be "significant";

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<sup>1</sup> Section 106(4) of the Broadcasting Act 1990 (as amended by the Communications Act 2003 and modified by the Community Radio Order 2004).

- if additional frequency resource is required to facilitate the requested extension and whether suitable resource exists;
- the impact that a change (i.e. relay transmitters, or power of an existing transmitter actually to bring coverage to that extended area) would have on frequency availability over a (much) wider area;
- the potential impact on other licensed commercial and community radio services.

1.11 We also suggest various solutions that may improve coverage or extend it. Not all of them will be viable options for every station. They are:

- Increasing the antenna height;
- Changing the transmitter site to a more advantageous location;
- Increasing the maximum radiated power of the service;
- Additional transmitters (relays): broadcasting on additional transmitters, usually on different frequencies (in some circumstances it may be technically feasible to use the same frequency for more than one transmitter in the same licensed area);
- Changing frequency: for example, to one which suffers less incoming interference.

1.12 We are willing to utilise any of these options, and different approaches will be appropriate in different circumstances. We may need to prioritise some requests, should demand be high, and consider that requests from stations suffering significant levels of interference should be considered first, followed by those with patches of poor reception. We propose that requests to extend coverage of an existing licensed area into an adjoining area or locality should receive the lowest priority.

1.13 We also invite views on what work we should prioritise after our current round of licensing is completed. Our view is that currently:

- Our first priority should be to conduct a short, focused licensing round to offer new licences;
- Our second priority should be to consider requests from stations for coverage improvements and coverage extensions) from existing stations; and
- Our third priority should be to engage in technical planning ahead of anticipated licensing for small-scale DAB services. (The priority of this work will increase as we get nearer to the date that new licensing for these services can commence.)

1.14 We welcome views on the proposals set out in this Consultation document. The Consultation closes on **22 December 2016**.

## Section 2

# Introduction

## Why are we consulting?

- 2.1 We are coming to the end of our third round of analogue community radio licensing (FM and AM). The current round started in 2011 and has been conducted on a region-by-region basis. The closing date for the final two batches of applications was 25 October 2016. These applications will take around six months to process.
- 2.2 Community radio stations bring a range of benefits to the communities they serve (see paragraphs 2.5-2.6) and we would like to offer more new licences. Nevertheless, before embarking on another round of licensing, we want to consider the best way to do this, and the level of priority to give this work.
- 2.3 There are currently three recent developments to consider in relation to the future of community radio:
- **Small-scale DAB licensing:** Ofcom has recently reported to the Department for Culture, Media and Sport (DCMS) on its small-scale DAB trial<sup>2</sup>. Ofcom will work with Government to decide how to introduce small-scale DAB licensing in future (which will allow community and small commercial licensees an affordable route to digital). In the meantime, Ofcom can prioritise offering more analogue community radio licences, before we would need to commence work on small-scale DAB licensing.
  - **Licensing more analogue services (FM):** A number of applicant groups have made themselves known to us and asked when they can apply for an FM licence. We consider that we need to find a way to do this that is quicker than our most recent round. A more targeted approach will, we believe, enable us to keep the licensing round short and focused;
  - **Coverage area improvements for existing services:** A growing number of existing stations are asking us to allow improvements and/or extensions to their coverage areas (our general policy to date has been to award licences for around a 5km radius). This seems an appropriate time to re-consider our technical policy.
- 2.4 This Consultation explores the options for inviting more applications for analogue Community Radio services (section 3), and for changes to our technical policy which could lead to improvements to coverage areas for existing services as well as any new licensees (section 4). It also discusses what Ofcom's priorities should be, and invites comment (section 5). (The possibilities for small-scale DAB will be covered in a future consultation.)

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<sup>2</sup> <https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/radio-research/small-scale-dab-final-report>

## What are the benefits of community radio for citizens and consumers?

- 2.5 Community radio is now over ten years old. At the time of writing 244 stations are broadcasting at locations across the UK providing a wide range of services. A number of stations have won awards and other recognition for their work.
- 2.6 Stations bring many benefits to their target communities, and get involved in a wide range of local activities. A typical station will:
- Be largely **run by volunteers**. Even those with paid staff rely on help from volunteers. Typically, 79 volunteers are involved over the course of a year at each station. Many presenters are volunteers, but others fill different roles too;
  - Broadcast **useful community news and information**, from local councils and other statutory organisations, about matters that affect local residents;
  - Promote the work of, and broadcast information about, a range of **local organisations** including charities;
  - Work with local educational bodies on projects that benefit both students and the station; broadcast **output produced by students and young people** and offer **work experience** at the station;
  - **Train people** (typically more than 50 each year). As well as providing practical skills and a real insight into show production, presentation and the behind-the-scenes workings of a radio station, they build confidence and life skills for a wide range of people from different backgrounds, ages and levels of experience.
  - Regularly broadcast from **local events**, providing information and publicity, as well as an opportunity to meet station representatives to give feedback, learn more about the station, and so on;
  - Broadcast thought-provoking **interviews and discussions** about local issues, and encourage listeners to express their views on a variety of topics;
  - Serve **underserved groups**: some stations are for particular minority ethnic, religious or specific interest groups, with output which is particularly targeted to their interests; others include specialist output for different groups in a service aimed more broadly at a geographic area;
  - Promote the **local music** scene: many stations say broadcasting the work of local musicians is important for them;
  - Provide opportunities for small businesses to **advertise and promote** their products and services.



## Section 3

# Licensing new services

## Background: what is the legal framework?

- 3.1 The Community Radio Order 2004 sets out the definition of community radio and modifies other broadcasting legislation to define the framework for the advertisement and award of licences. Licence awards are made in accordance with a series of selection criteria. (These requirements are set out in full in Annex 6.)
- 3.2 The legislation requires that Ofcom invites applications, and that we also specify where no applications may be made. So, currently at any one time we invite applications for localities in a defined region and will not accept them from other areas of the UK. This enables a 'bottom up' approach where applicants decide where, within a given region, they want to run a station, rather than Ofcom deciding specific locations for services. Because Ofcom has to formally invite applications we cannot accept applications outside an invitation 'window' from anyone who wishes to apply at any other time.

## Background: how we have organised licensing rounds to date

- 3.3 Ofcom first received applications from prospective community radio licence holders in November 2004. Since then, we have received over 600 applications and licensed 337 stations. As of October 2016, some 244 community stations were broadcasting in the UK. Licensing has been conducted across three application rounds.

### The first application round

- 3.4 The first round started in September 2004. It was decided to invite applications on a UK-wide (as opposed to region-by-region) basis. This was done in order to avoid the need to prioritise some areas over others in our initial licensing round and to ensure fairness between applicants who wished to serve nearby areas. As a result, Ofcom was able to assess applications which were competing for the same or similar frequency allocations together – ensuring that a licensing decision in one location did not unknowingly limit our ability to award a licence in adjacent areas.
- 3.5 It was initially anticipated that all first round applications could be processed within a year allowing a second licensing round to follow fairly quickly. However, applications took longer to assess than planned, with some 107 awards made by the time the final licences were granted in May 2006. (This compared with the 50 stations which had been anticipated by some in the sector before the process began).

### The second application round

- 3.6 To gauge licence demand ahead of the second round, Ofcom invited 'letters of intent' from potential applicants. As the exercise indicated that a large volume of applications was likely, Ofcom decided to conduct the second round on a region-by-region basis. This was intended to make the process more manageable for Ofcom's assessors and to provide greater clarity to applicants. Regions and locations were then determined on the basis of letters of intent and on technical considerations – e.g. the likelihood of interference between services in neighbouring areas identified in

the first round. As a result, the second round was divided into seven regional awards. It ran between August 2006 and June 2010.

### The third application round

- 3.7 The third application round began in April 2011. Again, the round was preceded by a call for expressions of interest, generating 275 responses. In light of the continuing high demand, it was determined that applications should again be considered on a region-by-region basis, with application periods spaced out over a longer period to reflect the experience gained from earlier rounds. Although the regional maps were amended, the application round followed broadly the same order as previously, in part to enable applicants who had been waiting the longest – i.e. those from the regions assessed first in the previous round – an early opportunity to apply.
- 3.8 Over 200 applications have been received in this round. It is anticipated that the round will be completed by late spring 2017, when we expect our work on applications received in response to the final two invitations (for London and AM in locations across the UK) to be completed.
- 3.9 For much of this round, our practice when inviting applications in a given area was to set out a list of localities for which applications would not be accepted, on the basis that there were unlikely to be FM frequencies available in those areas. For our final two FM regions we made changes to our process in response to concerns expressed by applicants that we may previously have excluded areas in which it might have been possible to identify a suitable frequency when a specific site is chosen; and in response to our experience that frequencies might not actually be available in ‘non-excluded’ areas.
- 3.10 As a result, for the invitations to apply for south east England (outside the M25) and London and other areas within the M25, we did not exclude any areas from the applications process on frequency availability grounds (as we had done in the past). However, we changed our assessment process: we first ascertain if the proposed transmission site is capable of delivering the required coverage, and then whether there is a suitable frequency available before any further analysis is undertaken. This is to ensure that only those applications for which there is an available frequency will be considered for the award of a community radio licence. After checking site suitability and frequency availability, we assess each remaining application, initially focussing on an applicant’s ability to maintain their proposed service, before considering applications by reference to the other statutory selection criteria. This new process has proved more efficient and the greater emphasis on good site selection has been successful in delivering a more effective process in the south east of England.

### **A fourth community radio licensing round**

- 3.11 A small number of potential applicant groups have already made themselves known to us and some are urging us to invite applications soon and to process them quickly.
- 3.12 We have also had feedback recently from some existing stations about the effect of licensing community stations in overlapping areas. Concerns centre around funding (competition for local advertising and sponsorship income, as well as for grants from local funders such as councils and charities), volunteers (losing good volunteers to another station) and loss of audience (for example, if there is an overlap in target audience, or if new stations do not live up to their application promises to broadcast a

service that is sufficiently different from existing stations). We have taken these concerns into account in framing one of the suggested licensing options below.

- 3.13 We are conducting this Consultation to seek views on what approach we should adopt to conduct a shorter, more focused licensing round than previously. We would also like a better understanding of the likely demand for new licences.

### **Expressions of interest for new licences**

- 3.14 As part of this Consultation we are inviting potential applicants to tell us a little about themselves and their aspirations, to help us gauge the level of interest for new community radio licences (see further details in annex 7). In summary, we would like to know:

- the name of the organisation and its contact details;
- the area the group wishes to broadcast to;
- a short description of the target community, and;
- the proposed location of the transmitter (we will need this to check frequency availability).

- 3.15 We will use the information we receive in response to this consultation, and in the form of expressions of interest for new licences, to help us decide between licensing options (see paragraphs 3.19-3.20 below). That is why it is important that groups responding include their proposed transmitter site location.

### **Objectives for licensing more services**

- 3.16 We have drawn up a set of objectives for licensing more analogue community radio services. We want to run a shorter, more focused process, that is quicker than previous rounds, and meets as many of our objectives as possible. We aim to:
- Where possible, bring community radio services to under-served communities that want them, providing social gain (community benefits) to those communities;
  - Run an efficient and timely licensing process: applicants should not have to wait too long to apply, and when they have applied they should not wait too long for a decision;
  - Organise a fair and transparent licensing process: all applicants should be confident that their proposals are being considered and judged in the same way as everyone else's; and
  - Try to match the demand for licences with available FM frequencies.

### **What are the options for the licensing process?**

- 3.17 In previous rounds we have adopted the following licensing approaches:

- *A UK-wide licensing approach*, inviting licence applications from all parts of the UK at the same time, with no excluded areas (this was the approach we followed in our first licensing round).
- *A region-by-region approach*, with no excluded areas (this was the approach we followed in the subsequent two licensing rounds).

We have decided against using these approaches for our next round. The tables below summarise the advantages and disadvantages of these previous approaches which we have considered in reaching this view.

	<b>Advantages</b>	<b>Disadvantages</b>
<b>A UK-wide licensing approach</b>	<p>Ensures the widest possible field for applicants across the UK.</p> <p>Any area with potentially available frequencies could get a new community radio service.</p> <p>A single application window may be easier for applicants and less administratively burdensome for Ofcom</p>	<p>If there were a large number of applicants, it could be administratively difficult to manage.</p> <p>Evidence of the rounds so far indicates that decisions cannot be made quickly if there is a large number of applications.</p> <p>As a result, some applicants' circumstances may change if there is a lengthy period of assessment between submission and award.</p> <p>FM frequency availability is very poor in major conurbations and accepting applications from everywhere is highly likely to result in some being turned down because frequencies cannot be found.</p>

	<b>Advantages</b>	<b>Disadvantages</b>
<b>A region-by-region approach</b>	<p>Ensures that all applicants from one nation or region are considered alongside one another.</p> <p>Each region likely to be a manageable workload for Ofcom, and so applications assessed more quickly than a UK-wide round</p>	<p>In inviting applications, one region is prioritised over another resulting in some applicants having to wait longer, and potentially frequencies being utilised that could have been used elsewhere.</p> <p>Certain good services may never get on-air as the wait for the application window for their region may be a long one.</p>

		<p>In some areas frequencies are left unused even though there may be services keen to occupy them.</p> <p>A whole round can take several years to complete.</p>
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3.18 As noted above, we propose to adopt a new approach for our next round as, from past experience, we consider that the approaches we have followed in previous licensing rounds are likely to result in a round that could potentially take some years to complete. We would like to keep any new round short (to ensure we can shift to small-scale DAB licensing work when necessary) and manageable (with fewer applications than previous rounds). We want to consider how we would do this and meet the objectives set out in paragraph 3.16. Listed below are some options for consideration. We are inviting views on these as well as asking for any further suggestions.

3.19 Different possible licensing options for round 4:

- Invite applications only from areas with no existing community radio service;
- Invite applications only from areas with greater availability of FM frequencies;
- Targeted invitation: invite applications where we have evidence of demand (using ‘expressions of interest’) after checking that there is a suitable FM frequency available;
- Invite applications in areas where a frequency has become available (e.g. after a station has surrendered its licence).

It is not necessarily the case that these options are mutually exclusive, and it is possible that a mixture of some of them may be the best outcome.

3.20 The table below assesses the advantages and disadvantages for each of these possible licensing options.

Round 4 options:	Advantages	Disadvantages
a. Invite applications <u>only</u> from areas with no existing community radio service	<p>Focuses on bringing community radio, along with its community benefits, to new areas and communities.</p> <p>Less impact on existing services (e.g. competing for funding in same area).</p>	<p>Applicants who want to serve different communities but overlap with an existing station will miss out – as does the community concerned.</p> <p>If a lot of applications are submitted, it may be difficult for Ofcom to deal with them in a</p>

	<p>Generally, more likely to be frequencies in these areas (most major conurbations, which have less FM available, are excluded).</p> <p>Focus is on demand from applicants rather than supply of frequencies.</p> <p>All applications submitted at the same time (no-one has to wait for previous region to finish).</p>	<p>timely manner, resulting in some having to wait some time for a decision.</p> <p>Excludes many major conurbations.</p> <p>Invite does not take full account of frequency availability and there may be some places where none are available and as a result applicants are rejected.</p>
<p>b. Invite applications <u>only</u> from areas with greater availability of FM</p>	<p>Focuses on areas where there are likely to be FM frequencies and therefore we are more likely to be able to license new services.</p> <p>Focus is on supply of frequencies rather than demand from applicants.</p> <p>All applications submitted at the same time (no-one has to wait for previous region to finish).</p>	<p>‘Broad brush’ approach which may exclude places where it may be possible to find a frequency when a specific site is chosen.</p> <p>In our experience, even in areas where we anticipate usable frequencies we are sometimes unable to find any.</p> <p>Likely to be primarily rural areas (and exclude most major conurbations, where, in our experience, there are more applicants).</p> <p>If a lot of applications are submitted, it may be difficult for Ofcom to deal with them in a timely manner, resulting in some having to wait some time for a decision.</p> <p>Does not take into account demand from applicants.</p>
<p>c. Targeted invitation: invite applications in areas where we have evidence of demand, after checking that there is a suitable frequency</p> <p><i>[We do not know the level of interest in applying for licences–</i></p>	<p>Relies on expressions of interest which then allow us to plan better. Ofcom only invites applications for areas where there is evidence of interest and a frequency.</p> <p>Efficient and timely: smaller areas than current regions with a predictable level of demand. If necessary, we can plan a series of invitations</p>	<p>Requires more technical planning in advance than other options: to find frequencies and determine over what area they are usable. This will take some time.</p> <p>Evidence of demand is no guarantee that any applications will be made.</p> <p>Depending on the level of interest, may require a series of</p>

<p><i>see annex 7 inviting expressions of interest].</i></p>	<p>for different locations in order to manage the process better.</p> <p>Frequency certainty: we will check FM availability before inviting applications.</p> <p>Allows us to match supply of frequencies with demand from potential applicants.</p> <p>If no frequency is available, we will tell a group saving it from the cost and effort of a wasted application.</p> <p>Allows us to plan frequencies more effectively as we will know of interest in adjacent areas.</p>	<p>application invitations, meaning some applicants will have to wait for their area to be advertised.</p> <p>If there is a large number of expressions of interest (as there has been in the past) Ofcom will need to prioritise which to invite to keep the round short.</p>
<p>d. Invite applications in areas where a frequency has become available (e.g. due to a licence being handed back)</p>	<p>Frequency certainty (and we would invite applications across the whole area that the frequency is usable (some are more 'portable' than others)).</p> <p>An area that has lost a service gets a new one more quickly than under the current system.</p> <p>An unused FM frequency is fairly quickly re-allocated.</p> <p>Currently groups wanting to take over a failing station have to negotiate with the licensee to request a licence transfer from Ofcom. This would offer an alternative route.</p>	<p>There may be no groups interested in applying.</p> <p>Why should areas that have already had a service be prioritised over areas with no service at all?</p>

## Input already received

- 3.21 As referred to in our Consultation principles (see annex 2), where possible we hold informal talks with people and organisations while planning a consultation. Therefore, in advance of this Consultation, we took some soundings from the community radio sector regarding our initial thoughts. We met with representatives of the sector membership body, the Community Media Association (CMA), and briefed them on our plans for a review. The CMA ran a short survey of its members to gauge interest in the areas we were considering. The results indicated a general consensus for

inviting more applications, with a strong preference for only licensing stations in areas without existing services.

- 3.22 Respondents to the CMA's survey ranked their priorities for Ofcom, from a list of six suggestions:
- 23 (out of a total of 57 responses) said their first priority would be for Ofcom to license new services in areas without community radio;
  - 15 gave their first priority as assessing requests for power increases for existing services; and
  - 12 said we should focus on planning for small-scale DAB;
  - Of the second priorities expressed (49 in total), new services in new areas garnered 13 votes; 12 chose small-scale DAB planning; 11 chose power increases for existing services; with 10 votes for assessing requests for transmission site moves.
- 3.23 We have also met with a community radio transmission provider and a group that wishes to apply for a licence. They urged us to allow applicants that are ready to start broadcasting quickly an opportunity to apply ahead of others. We are not including this suggested approach in this Consultation because it is potentially unfair on other applicants. It is our usual policy to allow new services up to two years to commence broadcasting once awarded a licence. In particular, to reduce the deadline for launch in order to give some applicants an early opportunity to apply while preventing others from having the same opportunity could be unfair and potentially discriminatory, especially when those applicants may be competing for the same frequency(ies).
- 3.24 We also considered another approach which we later rejected: imposing a limit on the number of applications we would accept, or conducting a draw from the applications received. We also rejected this option as being potentially unfair on some applicants.
- 3.25 We attended the CMA's annual conference (10 September 2016). We ran two sessions discussing the options. A range of comments were made by representatives from existing stations, a potential applicant and others.

### **Ofcom's preferred licensing approach**

- 3.26 As we are already aware of some demand for new licences, we would like to conduct a short licensing round.
- 3.27 We expect that this Consultation will attract a broad range of respondents, including some who may have very different views from those referred to above. As a result, we are treating initial feedback with some caution. However, drawing on these findings, and correspondence with licensees and potential applicants, along with our experience in running previous licensing rounds, we have formed a preliminary view on our preferred licensing approach.
- 3.28 Our preferred licensing approach is targeted invitations (licensing option (c)). We would use 'expressions of interest', as evidence of demand, to draw up a list of areas, check the availability of suitable FM frequencies, and then invite applications for locations in the areas for which there is a suitable frequency.



- 3.29 If the expressions of interest we receive indicate a level of demand that we could not deal with in a short round, we may need to impose a limit on the number of areas for which we are willing to invite applications. In this case we would need to decide how to prioritise the invitation areas, and would draw on feedback to this Consultation about the licensing options, to decide how to do this.
- 3.30 We will consider our preliminary view on our preferred licensing approach in light of the responses we receive to this Consultation. We will also need to balance demand for new licences with demand for coverage improvements and coverage extensions from existing services, as discussed in section 4 of this consultation.

***Consultation question:***

Q1. Ofcom would like to run a short, focused community radio licensing round. Our preferred option is to invite applications in areas where we have evidence of demand, after checking that there is a suitable frequency. Do you agree with this approach? If not, tell us why and what your preferred option would be.

Please note, we are also asking potential applicants to send us an expression of interest to apply for a licence (see further details in annex 7). If we decide to invite further applications for community radio licences we will use the information we receive from these expressions of interest, along with other Consultation responses, to help us decide between licensing options.

## Section 4

# Changes to our technical policy

## Background

- 4.1 Back in 2004 when we first consulted on community radio licensing<sup>3</sup> we set out our proposed technical policy. We said:
- *“We propose that, on FM, community radio stations will typically be services with a coverage radius of up to 5km. In rural areas where the availability of FM allows, a larger coverage radius on FM may be sanctioned. Elsewhere if larger coverage areas are required, AM will, in most cases, be the means of achieving it.*
  - *“It will utilise frequencies which could not be viable for commercial services. Frequencies in both the BBC and non-BBC FM ranges will be sought”.*
- 4.2 The Statement published as a result of the Consultation recorded that there was *“broad agreement that a 5km radius was appropriate for most community radio services. However, some potential applicants urged Ofcom to consider, on a case by case basis, licensing services with larger areas on FM in rural locations, or that we consider allowing a service to broadcast on more than one transmitter, if appropriate”.*
- 4.3 We decided *“to maintain the policy put forward in our consultation document. In addition, we said that “we may consider, on a case-by-case basis, whether to license a service utilising more than one transmitter, if this is a technically efficient way to serve the target community”.*
- 4.4 We decided that the maximum power would normally be limited to 25 watts (per plane). We judged this power level to be sufficient, in most cases, to deliver a coverage area of around a 5km radius. In the vast majority of cases this has proven to be so. In addition, keeping to a benchmark power level has simplified the planning process (meaning that more stations could be planned, and fairly quickly) and has meant that fewer transmitting antennas with complicated directional patterns were required (this can increase the cost).

## Our current coverage policy

- 4.5 Our current coverage policy remains virtually unchanged since we started licensing community radio services in 2005. It is set out in our ‘Notes of guidance for community radio applicants and licensees’<sup>4</sup>, and says:
- Community radio stations on FM in urban areas will generally be licensed for a coverage radius of up to 5km;

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<sup>3</sup> [https://www.ofcom.org.uk/consultations-and-statements/category-2/comm\\_radio](https://www.ofcom.org.uk/consultations-and-statements/category-2/comm_radio)

<sup>4</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0021/37209/notesofguidance.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0021/37209/notesofguidance.pdf)

- For urban 'community of interest' services, where the target community occupies an area of more than a 5km radius, only AM frequencies will normally be allocated.
- In rural areas where there is greater availability of suitable FM frequencies (such as parts of Scotland and Wales) and a coverage radius of more than 5km is proposed, we may license such services on FM.
- In rural areas where the availability of suitable FM frequencies is poor and a coverage radius of more than 5km is proposed, only AM frequencies will be allocated.

4.6 The majority of community radio stations have been licensed with 25 watts maximum power, operating from one transmitter site and with one FM frequency. The exceptions have been when:

- The target community is in a rural location where the population is dispersed, and there were sufficient frequencies to either license at a higher power, and/or use more than one frequency. (As referred to in our policy above.)
- Incoming interference on the available frequency was unacceptably high and no alternative frequency was available.
- A licence was granted to cover an area that could not be served with a radiated power of 25 watts (usually due to local terrain and site issues), and where other solutions, such as increasing antenna height, would not improve coverage sufficiently.

4.7 We have not licensed higher powers where this would have caused interference to existing licensed services.

### Coverage areas: what problems do stations have?

4.8 The broad-brush 25 watts approach that we have generally used to date is easier and quicker for us to administer than a more flexible approach, but it may not result in the same coverage in each case and some existing stations and applicants feel that it does not sufficiently take into account individual station requirements, which may differ.

4.9 We have drawn on our own experience, gathered feedback over time from licensees, and attended the CMA 2016 conference to both explain our initial thoughts and seek information and comments. As a result, we believe that for existing stations, the most common problems experienced, and reasons given when seeking changes to coverage areas, are:

- **Overcoming interference:** some frequencies have higher levels of incoming interference than others, which may reduce coverage. This varies from frequency to frequency, and from place to place;
- **Choice of transmission site:** We anticipated that stations would select the optimum transmission site, but many do not for a variety of reasons – mainly related to cost. For example:
  - the cost of the best site is out of reach for community radio;

- a cheaper or free site has been offered;
  - the complexity of linking the studio to the transmission site;
  - lack of good technical advice (a station may not be able to afford professional advice).
- **Poor reception in parts of the coverage area:** Some stations suffer areas of poor reception or loss of service within their licensed area. This may be due to terrain or urban clutter for example. Stations want to explore options for making reception more robust across their licensed area;
  - **Requests to cover a wider area:** Some stations have asked to cover a larger area than their licence currently permits. Reasons given include: partner agency (e.g. local council) requirements; operating in a rural area where nearby communities would benefit from the service and are unlikely to get a service of their own; need to increase sustainability (for example selling advertising over a wider area);
  - **Local demographic changes:** Where the target population has moved, or the population within the coverage area has changed, a station may seek modifications to its coverage.

## Re-considering our coverage policy

- 4.10 In light of the input we have already received regarding our community radio technical policy, we believe it is appropriate to re-consider it. We propose, in future, to consider requests to improve coverage of the existing licensed area for a service where we can, and to be more flexible in licensing new services, instead of applying a 25 watt maximum power in most cases. We will also consider requests to extend the existing licence area into an adjoining area or locality as we explain further below. As a result we have drafted a proposed new coverage policy, and this is set out below (see paragraph 4.17).
- 4.11 It is important to note that there are constraints on what we can do. One consideration is the opportunity cost of a change in technical policy. If we agree to a change for one service, for example by increasing power or licensing additional frequencies (for relays), it will limit what we can do in surrounding areas (and sometimes in other areas quite some distance away). It may prevent us from licensing new community radio services, or from allowing changes to other existing services on the same or adjacent frequencies.
- 4.12 There are two additional factors we would have to weigh up before we consider agreeing to individual requests: the potential technical impact on other services, and whether changes to the licensed area are permissible under the current licence.
- 4.13 **Impact on other services:** we cannot agree to changes that will cause interference to frequencies used by other licensed services. This means that for some services, particularly in urban areas, it may not be possible to agree to any changes to their transmission parameters. (NB We periodically review our frequency planning procedures to take into account changes in domestic and car radio receiver design, for example.)
- 4.14 **Licensed area:** each existing station has been granted a licence to serve a defined area, and the station's licensed area coverage map is, effectively, the area it is licensed to cover. The Broadcasting Act 1990 (Section 106(4) to (6) as amended by

the Communications Act 2003 and modified by the Community Radio Order 2004) provides for Ofcom to authorise an extension to a licensed area into an adjoining area or locality if:

- a) it would not result in a significant increase in the licensed area, or;
- b) it considers that the increase in the licensed area is justifiable in the exceptional circumstances of the case.

If a station requests a change to its coverage, and particularly if a station asks us to consider adding other locations to its existing coverage area, we will have to weigh up whether this is acceptable in accordance with these criteria.

4.15 There are six core considerations that Ofcom proposes to use when considering, on a case by case basis, whether or not to consent to requests for extending coverage of the existing licensed area into an adjoining area or locality. We are seeking views on these core considerations. They are:

- whether the increase in the licensed area could be reasonably considered to be "significant". In determining this, Ofcom will have regard to the size of the population increase which would result from the extension to the licensed area, and also to the size of the adjoining area or locality;
- whether the area or locality into which the licensee wishes to extend its coverage has a relationship or affinity to the existing licensed area (e.g. whether a coverage extension would be appropriate in view of a station's stated target community. An extension of coverage to small villages surrounding a central town or city is less likely to be considered "significant" than an extension of coverage to another sizeable population centre). Each case will be different, and will be judged on its merits;
- whether there are any exceptional circumstances which would justify an increase which would be reasonably considered to be "significant". (We may take into account original application proposals; requests to extend coverage to include people in the same target community who are in neighbouring underserved areas; and changes to local demographics, for example);
- if additional frequency resource is required to facilitate the requested extension, whether suitable resource exists;
- the impact that an appropriately-dimensioned increase in frequency resources (i.e. relay transmitters, or power of an existing transmitter actually to bring coverage to that extended area) would have on frequency availability over a (much) wider area; and
- the potential impact on other licensed radio services. We will consider how much the proposed extended coverage would overlap with existing commercial and community radio stations. Where a community radio licence has a restriction on funding (a cap on income from on-air advertising and sponsorship of £15,000 per year) due to overlap with a commercial service, we are unlikely to agree to an extension that would increase the overlap with that service. Where an extension would extend coverage into the core area of an overlapped commercial or community

service (for example into the main town served by that station) we may not agree to a request.

- 4.16 A station will need to make an application, and put forward a reasoned argument as to why an extension of the existing licensed area into an adjoining area or locality is requested, along with supporting evidence (such as demographic or other appropriate evidence or information relating to their case).

## **Proposed new coverage policy**

- 4.17 Our proposed new community radio coverage policy is as follows:

### **New community radio services:**

- For each new station, we will take into consideration the station's target community, and where that community is situated before determining the licensed coverage area.
- In urban and suburban areas, community radio stations on FM will generally be licensed for a coverage radius of around 5km.
- In rural areas where there is greater availability of suitable FM frequencies, a larger coverage radius may be licensed.
- On AM, community radio stations will generally be licensed for a coverage radius of around 10km.
- FM stations are usually licensed with one frequency from one transmission site. The maximum power is typically 25 watts per plane. Higher powers may be considered in the event of high levels of predicted incoming interference, or to ensure adequate signal levels across the target coverage area. However, higher powers will not generally be considered to overcome the effects of poor transmitter site selection. (Higher powers may require the use of directional transmitting antennas to protect other licensed services.)

### **Coverage improvements for existing services:**

- Requests for improvements to coverage within the existing licensed area (e.g. a power increase or the addition of a relay transmitter) can be considered in order to serve the target community adequately (for example to help overcome poor coverage due to interference or local terrain issues).

### **Coverage extensions for existing services**

- A station may request to extend its licensed coverage area. The Broadcasting Act 1990 (Section 106(4) to (6) as amended by the Communications Act 2003 and modified by the Community Radio Order 2004) provides for Ofcom to authorise an extension to a licensed area into an adjoining area or locality if: it would not result in a significant increase in the licensed area, or; it considers that the increase in the licensed area is justifiable in the exceptional circumstances of the case. (We propose to use six core considerations when considering requests. These are set out in paragraph 4.15 above.)

## What are the different ways coverage might be improved?

4.18 There are various solutions that may improve coverage or extend it, not all of them will be viable options for every station. They are:

- Increasing the antenna height;
- Changing the transmitter site to a more advantageous location;
- Increasing the maximum radiated power of the service;
- Additional transmitters (relays): broadcasting on additional transmitters, usually on different frequencies (in some circumstances it may be technically feasible to use the same frequency for more than one transmitter in the same licensed area);
- Changing frequency: for example to one which suffers less incoming interference.

The main advantages and disadvantages of these options are set out below:

Option	Advantages	Disadvantages
<b>Increasing the height of the antenna</b>	Can be a low cost solution	May require planning permission.  More susceptible to incoming interference from other licensed services.  Potential to cause outgoing interference to other licensed radio stations.
<b>Transmitter site move</b>	Potential to significantly improve coverage	Cost implications to licensee.  Some current listeners may lose the service as the coverage footprint may change.  There is potential to extend coverage beyond the licensed area and as a result antenna restrictions may be required to prevent coverage overspill into other areas.
<b>Power increase</b>	Provides more robust coverage where a station is subject to high levels of incoming interference.  Can increase the size of the coverage area.	Will not improve coverage if the transmitter is sited at a poor location e.g. where the signal is terrain limited.  Frequency dependent. Outgoing interference into existing

		<p>services needs to be taken into consideration and the licensee could incur additional expense due to a more complex antenna design if restrictions are needed.</p> <p>Cost implications if a new transmitter is required.</p> <p>There is potential to extend coverage beyond the licensed area and as a result antenna restrictions may be required to prevent coverage overspill into other areas.</p>
<b>Additional transmitters (relays)</b>	Useful to target specific areas which would not be served by either a site move or power increase (e.g. 'holes' in coverage area). Generally low power.	<p>Cost implications for new site and additional equipment.</p> <p>Suitable site required for a re-broadcast link (to feed the service to the relay for broadcasting).</p> <p>For technical reasons the relay frequency may be different from the main frequency, so there may be re-branding and marketing costs.</p>
<b>Change of frequency</b>	Improved coverage because of less incoming interference	<p>We utilise the best available frequency when initially licensing a service so we anticipate few cases where a better alternative is available.</p> <p>Frequency availability will be site dependent.</p> <p>Equipment and station rebranding and marketing costs.</p>

## Ofcom's preferred approach

- 4.19 If we experience a high level of demand for improvements to coverage within licensed coverage areas, we may need to decide how to prioritise such requests. Our view is that requests from stations suffering significant levels of interference should be considered first, followed by stations with some poor reception within their coverage area. Requests to extend the existing licensed area into an adjoining area or locality would be dealt with as a lower priority. There are statutory rules for considering such requests, and they potentially have a greater impact on other



services; as a result, they are likely to require more time for consideration and decision.

- 4.20 We are willing to utilise any of the options set out above. Different approaches will be appropriate in different circumstances, but our preferred approach is to first explore increasing the antenna height at the present site, and second for stations to seek a better transmitter site than the current location. These options generally are likely to have less impact on other existing services and so should be explored first.
- 4.21 A power increase would be our third priority, where it is available. A low-powered additional relay transmitter may be suitable option for some broadcasters, particularly to target specific areas which cannot be served by other options (for example where the terrain is blocking the signal). Change of frequency would be our last choice.
- 4.22 Stations will need to consider the options above and put forward a proposal for Ofcom to consider. (Ofcom does not provide a technical advice service.)

### How else can we help community radio with technical issues?

- 4.23 In our experience, many stations do not have access to suitable technical expertise, nor do they always have the necessary funds to engage professional help. While we continue to recommend that stations seek professional technical advice when choosing a site or asking for changes, we will also do what we can to help stations understand technical issues. (However, we have limited resources and cannot offer a full advice service to licensees on how they can improve their coverage.)
- 4.24 We have recently started to offer more general technical information in the period after a licence has been awarded, when a station is setting up its transmission arrangements. We send the licensee a copy of our map of their predicted coverage before our formal frequency clearance work commences, which helps ensure both Ofcom and the station have a common understanding of the area likely to receive the service. We are also producing a short film giving technical advice regarding choosing a suitable transmission site, which will be available on our website in due course.

#### **Consultation questions:**

*Q2. a) New community radio stations: Do you agree with our proposed revised coverage policy in relation to new community radio services? If not, please give us your reasons.*

*b) Improvements to coverage for existing services: Do you agree with our proposal to consider requests to improve coverage within the licensed area for existing licensed services? If not, please give us your reasons.*

*c) Extensions to coverage for existing services: Do you agree with our proposal to consider requests to extend the existing licensed area of a community radio service into an adjoining area or locality? We will consider such requests against statutory criteria, and propose to use six core considerations to help us decide whether or not to agree to a request. Do you agree with the core considerations we propose to use? If not, please give us your comments.*

## Section 5

# Priorities for the future

## Where should Ofcom concentrate its efforts?

- 5.1 If we decide to invite further applications for new community radio licences, or make changes to our technical policy, we need to decide where to focus our efforts. As a result, we are asking for views on what work Ofcom should prioritise.
- 5.2 Ofcom's ongoing community radio work ('business as usual') has grown with the number of licensed services. It will continue whatever decisions we make about the issues under discussion in this consultation. It includes:
- technical and administrative work associated with getting new services on-air;
  - processing licence extension requests;
  - licence management (including licence variations, changes to licensee companies, requests for licence transfers);
  - dealing with complaints and licence compliance investigations;
  - assessing compliance with funding rules (via annual finance reports);
  - assessing and implementing requests for changes to transmission arrangements;
  - administering the Community Radio Fund.
- 5.3 In addition, in the next year or so, Ofcom expects to plan and license new small-scale DAB services. Ofcom (with support from DCMS), is currently trialling an innovative approach to DAB transmission which could potentially offer smaller radio stations a viable and sustainable path to digital. This system, known as small-scale DAB, uses inexpensive transmission equipment to cover smaller areas than the established DAB services. Currently, small-scale DAB services are on-air in 10 trial locations across the UK in order to test the technical and practical feasibility of the new approach.
- 5.4 Ofcom has reported to Government on the results of the trial, and we expect that a permanent framework will be established to enable a permanent roll-out of small-scale DAB services. While it is likely to take some time for the necessary licensing arrangements to be put in place, we need to take this future development into account when planning other analogue work (in particular some technical planning will be required in advance of licensing).

## Ofcom's view on what our priorities should be

- 5.5 As stated at the beginning of this Consultation, aside from planning for small-scale DAB, there are two other areas of community radio work that we are thinking about when considering our priorities: licensing more analogue community radio services and coverage area improvements for existing community radio services.

- 5.6 In our view, our first priority after our third round of licensing is completed, should be to conduct a short focused new licensing round. We anticipate publishing a Statement following this Consultation in February 2017. After this, depending on the licensing option we use, we may need to carry out some FM frequency planning work for the next (fourth) round before inviting applications for licences in the spring of 2017. We would aim for the closing date for new applications to coincide with when we expect our work to be completed on the final applications for our current (third) round (which we anticipate may be in late spring/early summer 2017).
- 5.7 Our second priority is considering coverage improvements and coverage extensions for existing services. If demand for these is high, we may need to prioritise the requests. In paragraphs 4.19–4.22 we suggest that stations suffering significant levels of interference should be considered first, followed by stations with poor reception within their coverage area. Requests for a wider coverage area would be dealt with as a lower priority.
- 5.8 Our third priority should be to engage in technical planning ahead of anticipated licensing for small-scale DAB services. The priority of this work will increase as we get nearer to the date that new licensing for these services can commence.

**Consultation question:**

*Q3. Do you agree with Ofcom's proposals regarding its community radio work priorities? If not, please tell us why.*

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 22 December 2016**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at, <https://www.ofcom.org.uk/consultations-and-statements/category-2/cr-future-licensing/> as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email [susan.williams@ofcom.org.uk](mailto:susan.williams@ofcom.org.uk) attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Susan Williams  
Broadcast Licensing Team  
Content & Media Policy  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

## Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Susan Williams on 020 7783 4319.

## Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>

## Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement in February 2017.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details, please see: <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

## Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Steve Gettings, Secretary to the Corporation, who is Ofcom's consultation champion:

Steve Gettings  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Tel: 020 7981 3601

Email: [Steve.Gettings@ofcom.org.uk](mailto:Steve.Gettings@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

### During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

### After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at <https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)



## Annex 4

# Consultation questions

## Review of community radio licensing and technical policy

A4.1 This consultation explores the options for inviting more applications for analogue Community Radio services, and for changes to its technical policy which would lead to improvements to coverage areas for existing services and any new licensees. It also invites comments on how Ofcom should prioritise its community radio work.

*Q1. Ofcom would like to run a short, focused community radio licensing round. Our preferred option is to invite applications in areas where we have evidence of demand, after checking that there is a suitable frequency. Do you agree with this approach? If not, tell us why and what your preferred option would be.*

*Q2. a) New community radio stations: Do you agree with our proposed revised coverage policy in relation to new community radio services? If not, please give us your reasons.*

*b) Improvements to coverage for existing services: Do you agree with our proposal to consider requests to improve coverage within the licensed area for existing licensed services? If not, please give us your reasons.*

*c) Extensions to coverage for existing services: Do you agree with our proposal to consider requests to extend the existing licensed area of a community radio service into an adjoining area or locality? We will consider such requests against statutory criteria, and propose to use six core considerations to help us decide whether or not to agree to a request. Do you agree with the core considerations we propose to use? If not, please give us your comments.*

*Q3. Do you agree with Ofcom's proposals regarding its community radio work priorities? If not, please tell us why.*

## Annex 5

# Impact Assessment

## Introduction

- A5.1 The analysis presented in this annex represents an impact assessment, as defined in section 7 of the Communications Act 2003 (the Act).
- A5.2 You should send any comments on this impact assessment to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.3 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom's approach to impact assessment, which are on our website: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0026/57194/better\\_policy\\_making.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0026/57194/better_policy_making.pdf)

## The citizen and consumer interest

- A5.4 We describe in section 2, paragraphs 2.5 and 2.6, the benefits of community radio for citizens in community radio areas.

## Ofcom's policy objective

- A5.5 Our objective is to continue to support community radio, ensuring that new and existing stations can continue to bring local content and other benefits to communities all around the UK. In planning and prioritising our community radio work, we wish to take into account the views of the sector and other stakeholders.
- A5.6 This consultation explores the options for inviting more applications for analogue community radio services, as well as for changes to its technical policy which would lead to improvements to coverage areas for many existing services and new licensees. It invites comments on how Ofcom should prioritise its community radio work.
- A5.7 We anticipate that at the end of our current round of licensing, and before we may be required by government to license new services on small-scale DAB (which is likely to require new legislation), we will have time to offer more licences and consider requests to improve coverage or extend the coverage area for existing services.
- A5.8 Options considered

- No changes. This would mean new analogue licensing would cease at the end of our current round, and many requests for coverage improvements or extensions could not be considered (under existing policy there is scope to consider a change of site or an increase to antenna height);
- Inviting more applications for FM community radio licences. We favour a short focused licensing round and suggest a range of different options;
- Changing our community radio technical policy to allow an approach more individually tailored to each station's needs. This could lead to improvements in coverage for some services, and may in some cases lead to the existing licensed area being extended into an adjoining area or locality. A number of different ways of achieving improvements are discussed, as well as six 'core considerations' we propose to use when licensees request an extension to their coverage area.

## Analysis of the different options

A5.9 The different options above would have different impacts on our stakeholders. These are briefly discussed below.

A5.10 No changes.

- **Community radio applicants:** There are a number of potential applicants for new licences who have asked us to conduct another licensing round. If we finish licensing at the end of our current round there will not be an opportunity for these applicants to apply in the immediate future.
- **Citizens:** People in the target communities for potential new services will not benefit from the social gain and other benefits that community radio brings.
- **Existing community stations:** Any available frequencies can be used for improvements to coverage within existing licensed areas, or for extensions to licensed coverage areas into an adjoining area or locality, instead of new services. No additional competition from new services that may have overlapped with them.
- **Commercial radio stations:** No additional competition for listeners or advertisers from new services that may have overlapped with them.
- **Local businesses:** No new opportunities for advertising and promoting their business to their local community on new community radio stations.

A5.11 A short focused community radio licensing round. Our preferred option is for a round focused on areas where there is evidence of demand as well as suitable frequencies:

- **Applicants:** Can apply for FM licences in a round that is shorter (up to one year) than the most recent round. If there is a high number of potential applicants and we judge that a round would be unmanageable in the time available to deal with them all, we will consider how to manage the demand. If this is the case some potential applicants may not have an opportunity to apply at this time.
- **Citizens:** Those in the target communities for new services will have the opportunity to enjoy all the benefits that community radio can bring, including

opportunities to get involved with running the stations and producing output. They will also have an increase in radio choice.

- **Existing community stations:** If we license new stations which have coverage areas that overlap with existing services, they may face some competition. This might be for local funding (grants, advertising), volunteers (who may choose to join a new station), partners (local agencies may prefer to work with a rival station), listeners (though a new station may target a different community) or frequencies (if we license new services, then there may be fewer frequencies available for coverage enhancements (either improvements within licensed coverage areas or extensions to licensed areas into an adjoining areas or localities for existing services). On the other hand, overlapping existing and new stations may benefit from working together. For example, on shared programming initiatives or other joint projects, and raising the profile of community radio in the area.
- **Commercial radio stations:** If we license new community stations with coverage that overlaps with existing commercial radio services, they may face some competition for advertising income<sup>5</sup> or listeners. There is no evidence to suggest that this is a significant problem where overlaps already occur. The benefits of overlapping stations could come from taking on staff that have been trained by community radio operators. Community stations train volunteers and some move into jobs at commercial radio (or BBC) stations.
- **Local businesses:** Will have opportunities for advertising and promoting their business to their local community on new community radio stations, at low cost.

A5.12 Changes to our technical policy to allow existing stations and new licensees to request improvements to their coverage:

- **Applicants:** Currently services are generally licensed for small coverage areas (5km radius). Revising our technical policy would enable applicants to apply for a larger coverage area more tailored to their target community and local topography for example. However, there is a lack of suitable FM frequencies to support higher power services in most urban and suburban locations across the UK; and the larger the area applied for the higher the risk that a suitable frequency may not be found. So larger coverage areas may not be possible for all applicants.
- **Citizens:** If we agree to improving a station's coverage within the existing licensed area the local population will benefit from more robust coverage, which is less prone to interference and poor patches of reception. In cases where an extension to the existing licensed area into an adjoining area or locality is agreed, new listeners who were not previously in the coverage area will gain from increased radio choice and the benefits that community radio services can bring.
- **Existing community stations:** They will gain by increasing the number of local people that can hear the service. This can help sustainability through more potential participants and volunteers; more advertisers (because more people may listen to the extended service); more partner agencies if the new coverage better meets their own target area. However, changes may not be possible for some stations because of the crowded spectrum environment in many urban and

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<sup>5</sup> Community radio is subject to rules that limit the amount of income they can derive annually from the sale of on-air advertising and sponsorship. See 'Notes of guidance', [here](#), for further information.

suburban areas. Those that do make technical changes are likely to face some additional costs. Some stations will find that other radio services are audible within their coverage area after coverage improvements or extensions, which may compete for listeners, advertisers and so on.

- **Commercial radio:** Stations may face increased competition for advertising income and/or listeners from overlapping community services with improved coverage. (There is no evidence to suggest that this is a significant problem where overlaps already occur.)
- **Local businesses:** Opportunities for advertising and promoting their business on community stations with more robust coverage, or over a larger coverage area, than hitherto.

## The preferred option

A5.13 We would like to invite further applications for new community radio licences, by conducting a short, focused round. In addition, we propose to make changes to our technical policy to enable existing stations to apply for improvements to coverage within the existing licensed area, where possible, as well as for extending their licensed coverage into an adjoining area or locality, subject to statutory requirements and our 'core considerations'. In our view our first priority should be running a further short licensing round, and our preferred second priority would be considering requests for improvements to coverage within the existing licensed area and requests for extending the existing licensed area into an adjoining area or locality. Technical planning ahead of anticipated licensing for small-scale DAB services would be our third priority.

## Equality Impact Assessment

- A5.14 Ofcom is required by statute to assess the potential impact of all its functions, policies, projects and practices on a range of equality groups. Ofcom is also subject to similar but distinct equality duties under Northern Ireland legislation (Section 75 of the Northern Ireland Act 1998).
- A5.15 In line with Ofcom's Equality Scheme for Northern Ireland, we have screened our Community Radio policy proposals to assess their impact on equality of opportunity and/or good relations.
- A5.16 Northern Ireland has a healthy community radio sector and from three previous licensing rounds in 2005, 2007 and 2013 there are 12 stations currently on air. These stations cover a diverse range of geographical and special interest groups across Northern Ireland, including stations catering for Irish and Ulster Scots speakers.
- A5.17 Under the proposed additional FM licensing round, potential applicants in Northern Ireland would be able to express an interest in applying for a community radio licence, so in principle we do not believe this proposal will have an adverse impact on applicants who are relevant to the Section 75 equality categories in Northern Ireland.
- A5.18 However, we recognise that there may be some areas where there are no FM frequencies available and therefore we would be unable to proceed to advertising a licence. We will monitor such circumstances in Northern Ireland for any potential impact on equality of opportunity and/or good relations.

- A5.19 In regard to the proposed changes to our technical policy, some community radio stations in Northern Ireland have regularly expressed an interest in extending their coverage footprints. Our policy change would therefore have a potentially positive impact for licensees.
- A5.20 Overall, we conclude that the likely adverse impact of our proposed policies is 'none' in respect of all the equality of opportunity and/or good relations categories, and no further assessment is required at this stage.

## Annex 6

# Statutory requirements for community radio services

This is a summary of the key statutory requirements for licensing community radio services. It includes:

- Characteristics of community radio services
- Definition of 'community'
- Definition of 'social gain'
- Selection criteria
- Other legislative requirements
- Ownership restrictions

(Direct quotes from the legislation are presented in italics.)

### **Characteristics of community radio services**

By definition, a 'community radio service' is a 'local service' [6] having the following characteristics (as set out in Article 3 of the Community Radio Order 2004):

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

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

*(b) in order to deliver social gain,*

*rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service.*

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

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

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

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

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

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

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<sup>6</sup> By definition, a service is a 'local service' if it is a sound broadcasting service which (without being a national service) is provided with a view to its being: (1) broadcast otherwise than only from a satellite; and (2) broadcast for reception in a particular area or locality in the United Kingdom.

### **Definition of 'community'**

*"Community" means –*

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

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

### **Definition of 'social gain'**

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

- *the provision of sound broadcasting services to individuals who are otherwise underserved by such services,*
- *the facilitation of discussion and the expression of opinion,*
- *the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and*
- *the better understanding of the particular community and the strengthening of links within it.*

*Social gain "may also include the achievement of other objectives of a social nature and, in particular":*

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

### **Selection criteria**

In determining whether, or to whom, to grant a community radio licence Ofcom shall have regard to the Broadcasting Act 1990 Section 105(1) selection criteria (as amended by the Communications Act 2003 and modified by the Community Radio Order 2004):

#### **Section 105(1)(a) – Ability to maintain service:**

*The ability of each of the applicants for the licence to maintain, throughout the period for which the licence would be in force, the service which he proposes to provide.*

#### **Section 105(1)(b) – Catering for the tastes and interests of the relevant community:**

*The extent to which any such proposed service would cater for the tastes and interests of persons comprising the relevant community, and, where it is proposed to cater for any particular tastes and interests of such persons, the extent to which the service would cater for those tastes and interests.*



**Section 105(1)(c) – Broadening of choice and distinctiveness from overlapped services:** *The extent to which any proposed service would broaden the range of programmes available by way of local services to persons living in the area or locality in which it would be provided, and, in particular, the extent to which the service would be of a nature or have a content distinct from that of any other local service the licence for which would overlap [7] with the licence for the proposed service.*

**Section 105(1)(d) – Evidence of demand or support:** *The extent to which there is evidence that, amongst persons living in that area or locality, there is a demand for, or support for, the provision of the proposed service.*

**Section 105 (1)(e) – Extent of social gain:** *The extent to which the provision of any such proposed service would result in the delivery of social gain to the public or relevant community.*

**Section 105(1)(f) – Accountability to the community:** *The provision that each of the applicants proposes to make in order to render himself accountable to the relevant community in respect of the provision of the proposed service.*

**Section 105(1)(g) – Access and training in the use of the facilities:** *The provision each of the applicants proposes to make to allow for access by members of the relevant community to the facilities to be used for the provision of the service and for their training in the use of those facilities.*

### **Other legislative requirements**

There are further requirements set out in Broadcasting Act 1990 Section 105 (as amended by the Communications Act 2003 and modified by the Community Radio Order 2004, as itself amended by the Community Radio (Amendment) Order 2010 and the Community Radio (Amendment) Order 2015).

In considering whether, or to whom (and on what conditions), to grant a community radio licence, Ofcom must have regard to the need to ensure that any service provided under that licence does not prejudice unduly the economic viability of any other local commercial radio service (see references to section 105(3) below).

### **Sections 105(4) and (5) advertising & sponsorship income restrictions**

Without prejudice to the generality of that economic impact requirement, section 105(4) BA 1990 requires Ofcom to impose conditions to ensure, in effect, that any community radio service is prohibited from taking any ‘relevant income’ [8] from paid advertising and sponsorship of programmes except in the following respects:

- (i) a ‘fixed revenue allowance’ totalling £15,000 per financial year of the licensee for such relevant income – this exception applies to any community radio service where that service overlaps with any local commercial radio service serving a potential

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<sup>7</sup> An overlap is defined as follows: *two local sound broadcasting licences overlap if (but only if) the potential audience of the service provided under either of those licences includes 50 per cent or more of the potential audience of the service provided under the other licence.*

<sup>8</sup> By definition, ‘relevant income’, in relation to any community radio licence, means *any payment or other financial benefit (whether direct or indirect) attributable to the provision of the service under that licence which any relevant person has received, will receive or is or will be entitled to receive in the financial year in question.* In this context, ‘relevant person’ means *the holder of that licence and every person who is connected with him.*

audience of no more than 150,000 persons who have attained the age of 15 years or older;

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

### **Section 105(3) – Potential economic impact**

*Where OFCOM have published a notice under section 104(1), in the case of a proposal of theirs to grant a licence to provide a community radio service, or where OFCOM is considering a variation of such a licence under section 86(5) to include conditions set out in subsection (5) [9] they shall, in determining—*

*(a) whether, or to whom, to grant the licence in question (or, as the case may be, whether to vary the licence in question pursuant to section 86(5)), and*

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

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

### **Ownership restrictions**

Disqualified persons include:

- Any person unless Ofcom is satisfied that he is a 'fit and proper' person to hold a licence. [10] (The application form includes a 'declaration' which includes questions designed to enable Ofcom to achieve this objective.)
- Any person who is not a body corporate. [11]

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<sup>9</sup> Subsection 5 of section 105 of the Broadcasting Act 1990 contains the above-mentioned requirement on Ofcom to impose conditions to ensure that certain community radio licences are permitted to take a 'fixed revenue allowance' totalling £15,000 plus a proportion of the total relevant income (specified by Ofcom in the licence) up to 50% of the total relevant income (disregarding the fixed revenue allowance) for the licence in question in that year.

<sup>10</sup> Section 3(3)(a) of the Broadcasting Act 1990.

<sup>11</sup> Article 6(2)(a) of the Community Radio Order 2004.

- Any body corporate which holds at least one ‘relevant Broadcasting Act licence’ [12] or a body that is connected with a person who holds one or more such licences. [13] The relevant BA licences listed include local commercial radio licences.
- Any C4 company or S4C company that would not otherwise be a disqualified person by virtue of the third bullet point above. [14]
- A local authority [15] except where the service is exclusively for the purposes of carrying out the functions of a local authority and providing information relating to their activities [16].
- A body whose objects are wholly or mainly political, or a body affiliated to a body whose objects are wholly or mainly political. [17]
- Any body controlled as follows: [18]
  - (g) a body corporate which is an associate of a body corporate falling within paragraph (d) or (e);*
  - (h) a body corporate in which a body falling within any of paragraphs (c) to (e) and (g) is a participant with more than a 5 per cent interest;*
  - (hh) a body corporate which is controlled by a body corporate falling within paragraph (h);*
  - (i) a body which is controlled by a person falling within any of paragraphs (c) to (g) or by two or more such persons taken together; and*
  - (j) a body corporate in which a body falling within paragraph (i), other than one which is controlled—*
    - (i) by a person falling within paragraph . . . (f), or*
    - (ii) by two or more such persons taken together,**is a participant with more than a 5 per cent interest.*
- A person is a disqualified person if in Ofcom’s opinion any person is, by the giving of financial assistance or otherwise, exerting influence over the activities of that person, and that influence has led, is leading or is likely to lead to results which are adverse to the public interest. [19]

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<sup>12</sup> By definition, a ‘relevant Broadcasting Act licence’ is a Broadcasting Act licence which is not a licence to provide one of the following services: (a) a community radio service; (b) a digital sound programme service; (c) a restricted service; (d) a radio licensable content service; (e) a restricted television service; (f) a television licensable content service; and (g) a local digital television programme service.

<sup>13</sup> Article 6(2)(b) of the Community Radio Order 2004.

<sup>14</sup> Article 6(2)(c) of the Community Radio Order 2004.

<sup>15</sup> Paragraph 1(1)(c) of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>16</sup> Where a service is provided exclusively for the purposes of the carrying out of the functions of a local authority under section 142 of the Local Government Act 1972 (provision by local authorities of information relating to their activities), a person is disqualified by virtue of paragraph 1(1) of Part II of Schedule 2 to the Broadcasting Act 1990 in relation to a licence to provide that service only if he would be so disqualified disregarding paragraph (c) of that sub-paragraph, i.e. a local authority.

<sup>17</sup> Paragraphs 1(1)(d) and (e) of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>18</sup> Paragraphs 1(1)(g) to (j) of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>19</sup> Paragraph 4(1) of Part II of Schedule 2 to the Broadcasting Act 1990.

- The BBC. <sup>[20]</sup> A BBC company is also a disqualified person in relation to provide a national, local or restricted service within the meaning of Part III of the Broadcasting Act 1990. <sup>[21]</sup>
- The Welsh Authority. <sup>[22]</sup>
- An advertising agency, including: <sup>[23]</sup>
  - an associate of an advertising agency;
  - any body which is controlled by an advertising agency or an associate of an advertising agency, or by two or more such persons taken together;
  - any body corporate in which a person falling within any of the above is a participant with more than a 5 per cent interest.
- Anyone convicted of unauthorised broadcasting offences in the past 5 years as referred to in section 89 of the Broadcasting Act 1990.
- No body corporate may hold more than one community radio licence at any one time. <sup>[24]</sup>
- Any body corporate which is connected with another such body which holds such a licence shall be treated as if it also were a holder of that licence. <sup>[25]</sup>
- If the applicant is a religious body, Ofcom needs to make a determination (under paragraph 15 of Part 4 of Schedule 14 to the Communications Act 2003) on whether it is appropriate for the applicant to hold a community radio licence.

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<sup>20</sup> Paragraph 5(a) of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>21</sup> Paragraph 5A of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>22</sup> Paragraph 5(b) of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>23</sup> Paragraph 6 of Part II of Schedule 2 to the Broadcasting Act 1990.

<sup>24</sup> Article 7(1) of the Community Radio Order 2004.

<sup>25</sup> Article 7(2) of the Community Radio Order 2004.

## Annex 7

# Expressions of interest

## Expression of interest in applying for a community radio licence

Ofcom is considering whether and how to invite further applications for community radio licences.

### Information required

In order to assist our planning for future community radio development, we are inviting prospective applicants for a community radio licence to submit an 'expression of interest' outlining their intention to apply.

An 'expression of interest' should include the following information:

- the name of the organisation and its contact details
- the area the group wishes to broadcast to;
- a short description of the target community; and
- the proposed location of the transmitter.

The submission of an 'expression of interest' will not form part of any subsequent licensing scheme, and it will not be taken as a binding promise on the part of its author to apply for a licence. Equally, an invitation to apply for a community radio licence will not be limited only to those who have previously submitted an 'expression of interest'.

The 'expressions of interest' will help Ofcom to decide whether to invite applications, and if so to help us design a licensing process which takes account of the pattern of expected demand in different parts of the country, as well as anticipated FM frequency availability.

### Next steps

Following the closing date of this consultation Ofcom will evaluate the responses to the questions in the consultation as well as these 'expressions of interest' before publishing a statement relating to possible further community radio licensing. (We recommend that interested groups monitor the Ofcom website or sign up for broadcasting web alerts for further news <https://confirmsubscription.com/h/i/7D1B465C1F301F71> )

How to respond to this invitation

Please send your 'expression of interest' by email or letter to [community.radio@ofcom.org.uk](mailto:community.radio@ofcom.org.uk) , or by post to:

Community Radio Licensing, 5th Floor, Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

The closing-date for the submission of 'expressions of interest' is Thursday 22 December 2016.

For further information on community radio licensing, please see our website [here](#)