
Digital Addition Sound Service (DAS) licences

Guidance notes for applicants

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1. General Disclaimer

- 1.1 These notes are intended to help Digital Additional Sound Service (DAS) licence applicants understand the licensing process. The guidance notes should not be relied upon as legal advice, or be understood as modifying the effect of the statutory requirements or the conditions of the licence.
- 1.2 Applicants should seek their own legal advice on the licensing process and requirements, and when making their own independent assessment on the information that should be included in their application.
- 1.3 In providing the information in these guidance notes, Ofcom is not making, nor implying any judgements on the commercial prospects (or otherwise) of licensed services, or that they will be profitable.
- 1.4 Ofcom makes no representation or warranty, express or implied, with respect to information contained in these guidance notes (together with the standard form licence and other documents referred to in this document) or with respect to any written or oral information made or to be made available to any potential applicant or its professional advisers. Any liability therefore is expressly disclaimed.
- 1.5 These guidance notes may be updated from time to time. Applicants should check Ofcom's website to make sure they are using the most recent version. Applicants should also be aware that certain key features, such as fees, procedures and content rules, may change in the future.
- 1.6 If you have any queries you can contact the Ofcom Broadcast Licensing team by email (broadcast.licensing@ofcom.org.uk). The team cannot provide advice or pre-approve applications.

2. What is a DAS licence?

- 2.1 Digital additional sound services are services other than technical, programme or ancillary services, and include text or data services such as paging, videotext and graphics which are not directly related to programming. Additional service capacity may also be used to provide advertising.
- 2.2 One DAS licence will cover the provision of any number of digital additional services on any number of radio multiplexes. It is important to note that the licence does not give the 'right' to broadcast. Carriage on a multiplex is dependent on agreement with the multiplex operator. The total proportion of capacity on any one multiplex which may be devoted to digital additional sound services is 30%.

3. Before you apply for a DAS licence

Determining who should hold the licence

- 3.1 Ofcom considers that a person will normally have general control if that person exercises effective control over the selection of programmes that comprise the service and their organisation into a programme schedule. It is that person who will normally be treated as being the provider of the relevant service and who will need to hold a broadcasting licence authorising its provision. [The full guidance document](#) can be found on our website, which applicants should read before applying for a licence.

How to complete the form

- 3.2 Please download the application form and fill it in on a computer. If completing by hand, please use block capitals and black ink.
- 3.3 Please answer all the questions as fully as possible, use extra sheets if required and provide the supporting documentation listed at Section 10 of the form. Sufficient information must be supplied about the applicant and the proposed service to enable Ofcom to consider the application in accordance with the statutory criteria for the granting of DAS licences. Ofcom may need to request further details from you before a licence can be granted.
- 3.4 Ofcom will reject applications made using an old version of the form.**
- 3.5 Ofcom will accept handwritten application forms but they must be filled in using block capitals and black ink.
- 3.6 Ofcom will reject application forms that are illegible.**
- 3.7 You must answer all questions in the application form and respond “N/A” to any questions that do not apply to the applicant.
- 3.8 Ofcom will reject applications which do not meet the following criteria:
- a) The declaration in Section 11 of the form must be signed and dated.
 - b) The person who signs and makes the declaration on behalf of the applicant must be:
 - i) A director of the company or the company secretary where the applicant is company.
 - ii) A designated member where the applicant is a Limited Liability Partnership.
 - iii) A partner, where the applicant is a partnership.
 - iv) A member of the organisation’s governing body where the applicant is an unincorporated body or association.
 - v) The individual who will be the licensee where the applicant is an individual.
 - c) All supporting documents as requested in the checklist in Section 10 of the form must be supplied in legible form and translated into English where applicable.

- 3.9 If you are completing the form as an agent, i.e. you are acting on the applicant's behalf, please note that you cannot sign it on your client's behalf, and that the person signing the form needs to have personally checked the truth and completeness of the responses given. If your client wishes you to be Ofcom's main contact in relation to the application, please make this clear in an accompanying letter, and provide evidence of your authority to act on behalf of the applicant. The form should be filled in so as to include information about the applicant, not the agent. If Ofcom has further questions once the application has been submitted, we will direct these to the applicant, not to the agent, but we will accept responses from the agent.

How to submit the form

- 3.10 We prefer application forms and required supporting documents to be submitted by email to broadcast.licensing@ofcom.org.uk. Handwritten applications and required supporting documents should be scanned and attached to the email.
- 3.11 You should receive an auto-response from broadcast.licensing@ofcom.org.uk confirming that your application has been received by Ofcom. If you do not receive a response, it is likely your application has not been received and you should leave a voicemail for the Broadcast Licensing team on 020 7981 3002 who will look into this and contact you.
- 3.12 If you cannot submit the application form and/or the supporting documentation by email, you can send it by post to:
- Ofcom
Broadcast Licensing
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Fees

- 3.13 Fees are reviewed by Ofcom annually, and applicants should check the Ofcom website for the most up-to-date fees. Our tariff tables are published no later than 31 March each year. For further information about fees, see [Ofcom's Statement of Charging Principals](#) and [Ofcom's Tariff Table](#).
- 3.14 A non-refundable application fee of £250 is payable.
- 3.15 Applications will not be assessed until the application fee has been received in Ofcom's bank account.

- 3.16 Each DAS licence is also required to pay an annual licence fee to Ofcom, as a condition of its licence. The annual fee for a DAS licence is currently £100. The fee is payable at the point of application and then payable each year on the anniversary of the licence award date. **This means that the total fee which should accompany the application is £350.** The payment of licence fees does not guarantee or indicate the success of the application. In the event that the application is unsuccessful the annual licence fee of £100 will be refunded.
- 3.17 The annual licence fee will be payable whilst the DAS licence is in issue, regardless of whether a service is actually being broadcast.
- 3.18 It is important that licensees pay their annual licence fees on time. If fees are not paid by the date stated in the invoice, Ofcom is likely to investigate whether a breach of the relevant licence condition has occurred and may consider whether to impose a financial penalty and/or revoke the licence.
- 3.19 If you wish to pay your annual fee by direct debit, please enclose a direct debit mandate [form](#) with the application.

How to pay

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

Account Name:	Office of Communications
Bank details:	Lloyds Bank, 69-73 Borough High Street, London SE1 1NQ
Account number:	00782415
Sort code:	30-97-90
BIC:	LOYDGB21351
IBAN:	GB05 LOYD 3097 9000 7824 15
SWIFT:	LOYD GB 2L

Timescales for assessing applications

- 3.23 Applicants will receive an auto-response from broadcast.licensing@ofcom.org.uk, which should be taken as acknowledgment of receipt of the electronic application. If you do not receive a response, it is likely your application has not been received and you should leave a voicemail for the Broadcast Licensing team on 020 7981 3002 who will look into this and contact you.
- 3.24 As a guideline, our aim is to issue a licence within 25 working days for services seeking to provide digital additional sound services. However, this cannot be guaranteed. Applications are assessed on a first come, first served basis, and during peak periods it may take longer for us to assess applications. The timeframe also assumes that full and accurate information has been provided by the applicant in the application form and accompanying documentation. Applications will not be assessed until all the requested information has been submitted.
- 3.25 Applications for which potential issues arise relating to ownership restrictions and eligibility requirements may take longer to assess. Applicants with religious objects are also advised to allow longer for the assessment and consideration of their application by Ofcom in the light of the [Guidance for religious bodies applying for a Broadcasting Act licence](#).
- 3.26 Ofcom has a duty to ensure that it does not license bodies with objects which are of a wholly or mainly political nature. If questions arise on this issue, an application may take significantly longer than usual for Ofcom to consider.
- 3.27 Ofcom may refuse to issue a DAS licence if the applicant is not a “fit and proper person”;¹ if the applicant is a “disqualified” person;² or if the proposed service would be likely to involve contraventions of the standards for programmes and advertising.³
- 3.28 In cases where Ofcom has instigated sanctions procedures against an existing Licensee which may lead to the revocation of any licence(s) it holds, it will not generally consider any applications for new licences by the same licensee or by a person/body connected to that licensee until such time as that aspect of the sanctions procedure is concluded. Similarly, Ofcom will not generally consider transfer applications either to or from a licensee while a sanctions procedure which may lead to licence revocation is ongoing.
- 3.29 To be able fully to consider an application, we may need to request further information or clarification from the applicant. If we don’t receive a response to a request for further information within one month, we will consider the application to have lapsed.

¹ Under section 3 of the Broadcasting Acts 1990 and 1996.

² Under Schedule 2, Part II of the Broadcasting Act 1990.

³ See paragraphs 5.47 and 5.48.

Publication of information about applications and licensed services

- 3.30 When a licence is granted, the name of the service and contact details for the licensee are published on the Ofcom website. These are the details supplied in the application form. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email (broadcast.licensing@ofcom.org.uk).
- 3.31 Additionally, Ofcom considers issued DAS licences to be public documents and will make copies of licences available to third parties on request.
- 3.32 Ofcom also publishes a monthly update which lists new services licensed, licences revoked, licence transfers, and changes to the name or nature of the licensed service during the past month. The [licensing updates are available on our website](#).

4. Completing your application form

Data protection

- 4.1 We require the information requested in the application form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and the Communications Act 2003. Please see Ofcom's General Privacy Statement for further information about how Ofcom handles your personal information and your corresponding rights.

Section 3 of the application form: Applicant's details

- 4.2 In this section, we are asking you for basic details about the applicant (whether an individual or body corporate).
- 4.3 The requested details include company registration number (where applicable) and contact information.
- 4.4 We are asking for this information so that Ofcom knows precisely who to contact at the applicant company during the application process and if a licence is granted.
- 4.5 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 4.6 If you are granted a licence, it will be a condition of your licence that the licence holder must notify Ofcom as soon as possible of certain changes to the information provided in this section.
- 4.7 The applicant is asked for contact details for the following contacts:
- **Person authorised to make the application:** This is the person who is duly authorised by the applicant for the purposes of making the application. If the applicant is an individual their details will need to be provided. If the applicant is a company, details of the company secretary or a director must be provided.
 - **Licence contact:** The Licence Contact is the day-to-day contact for Ofcom on licensing matters. Examples of the type of communication between the Licence Contact and Ofcom could be questions regarding ownership of the licensee company; changes to the licence; and responding to information requests.
 - **Compliance officer:** This is the person for Ofcom to contact on matters relating to compliance with the Broadcasting Code and other content-related codes and rules. If we receive a complaint about the licensed service we will contact the compliance officer to request recordings of output. We will correspond with the compliance officer during any investigations into whether content was compliant with our codes and rules.
 - **Billing/Finance contact:** Contact details for Ofcom regarding invoicing/payment of annual licence fees.

- **Data contact:** Contact details for Ofcom regarding submission of the annual transmission and revenue return. This is information that Ofcom requests from its licensees every year, including information about the service's turnover (used to calculate subsequent licence fees) and any European productions.
- **Public contact:** Contact details for publication on the Ofcom website and/or in other relevant Ofcom publications. When a licence is granted, the name of the service, contact details for the licensee and a brief description of the licensed service are published on the Ofcom website.

Sources of funding

- 4.8 Ofcom needs the applicant to provide details about its source of funding so that Ofcom can ensure that the applicant is not disqualified from holding a licence under Schedule 2 of the Broadcasting Act 1990, for example, where the funder is a political body or, in Ofcom's opinion, appears to be exerting influence over the applicant's activities in a way which may be adverse to the public interest. Such influence may include, for instance, the management of the station and/or the content of its programming, but might also extend to the applicant's other activities.

Affiliates and control

- 4.9 Ofcom needs the applicant to provide information about entities with which the applicant is affiliated and who controls the applicant, in order to ensure that the applicant is not disqualified from holding a licence under Schedule 2 of the Broadcasting Act 1990 and that it is fit and proper to hold a licence. By affiliated, we mean entities with which the applicant has declared an affiliation. We expect licence applicants to be able to provide full details of those controlling them, since it is in the interests of those controlling them that the applicant should be granted a licence.
- 4.10 Before completing this section of the form, you should read [Ofcom's guidance on the definition of 'control' of media companies](#). Note in particular that:
- Throughout this section, "control" has the meaning it is given in Part I of Schedule 2 of the Broadcasting Act 1990.
 - It includes situations where it would be reasonable to expect that any person would be able in most cases to secure that the affairs of a body corporate are conducted in accordance with their wishes. Therefore, for example, where a corporate body is held by its parent via a number of subsidiaries, all such subsidiaries have control.

Section 4 of the application form: Details of directors, designated members, participants and shareholders of the applicant (companies and LLPs)

4.11 Section 4 of the application form applies to applicants which are bodies corporate (e.g. companies or LLPs). If you are applying as:

- A partnership which is not an LLP, skip to Section 5 of the application form.
- An unincorporated body, skip to Section 6 of the application form.
- An individual, skip to Section 7 of the application form.

Ofcom needs the additional information in this section in order to enable us to consider those types of disqualification which apply specifically to bodies corporate. We also ask questions which are relevant to our assessment of the applicant's fitness and propriety to hold a broadcast licence.

4.12 Before completing Section 4 of the form, you should also read [Ofcom's guidance on the definition of 'control' of media companies](#). Note in particular that:

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

4.13 In Section 4, we are asking for details of the directors or designated members, its shareholders and participants.

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

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

Section 5 of the application form: Details of partners of the applicant (partnerships)

4.16 Section 5 of the application form applies to applicants which are partnerships (excluding LLPs). Please complete Section 4 of the form if the applicant is an LLP.

4.17 If you are applying as:

- a) An unincorporated body, skip to Section 6 of the application form.
- b) An individual, skip to Section 7 of the application form.

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

- 4.19 If any partner is a company, the applicant will also need to complete questions 4.2 and 4.3 in Section 4.
- 4.20 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 4.21 The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.

Section 6 of the application form: Details of governing members of the applicant (unincorporated bodies other than partnerships)

- 4.22 Section 6 of the application form applies to applicants which are unincorporated bodies.
- 4.23 If you are applying as an individual, skip to Section 7 of the application form.
- 4.24 In Section 6, we are asking for details of the applicant’s governing members.
- 4.25 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 4.26 The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.

Section 7 of the application form: Eligibility requirements

- 4.27 Ofcom has a duty to ensure that anyone who applies for a broadcasting licence is fit and proper to hold one.⁴
- 4.28 When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at – for example – whether individuals who are likely to exercise control over the applicant and its activities (e.g. directors, substantial shareholders or members) have any criminal convictions (in any jurisdiction), or whether they have ever been declared bankrupt (in any jurisdiction).
- 4.29 In determining whether a person is “fit and proper”, a number of issues will be considered which could include, but are not limited to:
- Criminal convictions;
 - Bankruptcy and insolvency;
 - Disqualification of directors;
 - Removal from a professional or trade body; and
 - Previous broadcasting compliance history (e.g. licence applications, sanctions).

⁴ Under section 3 of the Broadcasting Acts 1990 and 1996.

Ownership restrictions

- 4.30 The Broadcasting Act 1990⁵ lays down a number of restrictions on who may hold Ofcom's broadcasting licences. The following are among those who are disqualified from holding a DAS licence or from controlling a licensed company:⁶
- A local authority;⁷
 - A political body;
 - a religious body, other than where Ofcom is satisfied that it is appropriate for a particular person to hold a licence and makes a determination to that effect. If you wish to seek such a determination, please consult the [Ofcom Guidance for religious bodies applying for a Broadcasting Act licence](#);
 - any company controlled by any of the above or by their officers or associates;
 - an advertising agency or any company controlled by such an agency or in which it holds more than a 5 per cent interest;⁸
 - a publicly-funded body.
- 4.31 Please note that in accordance with the Broadcasting Act 1990 (as amended) Ofcom has the power to determine that in certain circumstances a person with less than a 50 per cent share can be deemed to control a company.
- 4.32 If information is relevant to determining whether an applicant is a disqualified person, it is an offence for the applicant to supply false information or to withhold information with the intention of misleading Ofcom. If a person is convicted in such cases, the court may make an order disqualifying the applicant from holding a licence for a specified period. A disqualification order applies to both the individual concerned and to any company of which he or she is a director or involved in the management of (whether directly or indirectly).
- 4.33 If the applicant or the form signatory fails without reasonable excuse at the date of signing the declaration in Section 11 of the form to declare any matter of which Ofcom subsequently becomes aware, and which we consider to be relevant to the applicant's eligibility to hold a licence, we will take that into account when determining the question of whether the applicant/licensee remains fit and proper to hold a licence. We expect you to disclose all matters which pertain to the honesty and integrity in regulatory matters of the applicant, its officers and its controllers.

⁵ As amended by the Broadcasting Act 1996 and the Communications Act 2003.

⁶ In accordance with the Broadcasting Act 1990 (as amended).

⁷ Except where the service is provided exclusively for the purposes of carrying out the functions of a local authority under Section 142 of the Local Government Act 1972 (as amended) provision by local authorities of information relating to their activities.

⁸ According to the Broadcasting Act 1990 (as amended), an "advertising agency" means an individual or body corporate who carries on business as an advertising agent involved in the selection and purchase or advertising time or space for the person who wishes to advertise (section 202 (7) of the 1990 Act).

Section 8 of the application form: The proposed service

- 4.34 Section 8 asks you to describe your programme service and its target audience. If a licence is granted the information you provide in this section will be used to form the basis of an annex to your licence. You will only be authorised to broadcast what is detailed in the annex of the licence. It is therefore important that you provide complete and detailed responses to the questions in this section.
- 4.35 If there is any change to the package of DAS services covered by the licence (either in terms of the number of services or the description of individual services, including the multiplexes the services are on) you must notify these to Ofcom.

Name of the licensed service

- 4.36 The applicant chooses the name for their proposed service. It is the responsibility of the applicant to ensure the name can be used.⁹ Ofcom considers the proposed name of a service in an application to the extent that it may be relevant to the licensing criteria. This could concern, for example, matters relating to the Ofcom Broadcasting Code, such as the use of explicit language that viewers may find offensive.
- 4.37 It is the responsibility of the applicant to enter into agreements with the appropriate copyright licensing bodies before commencing broadcasting. The granting of a licence does not constitute a right to use a particular name.

Description of the service

- 4.38 A licence is issued in respect of specific, named service and authorises the provision of that service only. The licensed service is described in the Annex, which forms part of the licence.

Broadcast content

- 4.39 The applicant must ensure that all content to be included in the proposed licensed service will be able to comply with the relevant codes including, but not limited to:
- the [Ofcom Broadcasting Code \(incorporating the Cross-promotion Code\)](#), which covers standards in programmes, sponsorship, product placement and fairness and privacy;
 - the BCAP Code, which covers standards for the content of broadcast advertising.
- 4.40 You should refer to [Ofcom's compliance checklist for radio broadcast content](#) for further details of the codes and rules you should consider.

Multiplexes

- 4.41 There are three types of multiplexes – Local/regional, National and Small-Scale.

⁹ Ofcom's statutory remit does not extend to intellectual property matters, and it is for you to satisfy yourself that the proposed name of the service will not cause problems, from your own point of view, with (for example) a similar name for an existing service.

4.42 In contracting, or offering to contract, with the holders of DAS licensees, multiplex licensees must not discriminate unduly. Any report of unfair or anti-competitive behaviour will be considered by Ofcom in the light of the particular facts.

Section 9 of the application form: Compliance of the service

4.43 Section 9 of the application form asks you to describe the compliance arrangements for the proposed licensed service i.e. the arrangements which the applicant will put in place to ensure the content it proposes to broadcast will comply with the relevant regulatory codes and rules for programming and advertising. These include, but are not limited to:

- [The Ofcom Broadcasting Code](#)
- [The Cross-Promotion Code](#)
- [The BCAP Code: the UK Code of Broadcast Advertising](#)

4.44 The applicant must have a Compliance Officer.

4.45 The applicant must be able to adopt procedures that are acceptable to Ofcom for ensuring that the proposed licensed service will comply with the requirements of the licence, including complying with any direction issued by Ofcom. Such procedures may include:

- ensuring that there are sufficient staff, and that staff are of sufficient seniority. All staff should fully understand the licence requirements (including compliance with relevant codes and rules) and the programme and advertising standards that apply to the service; and
- making arrangements for the adequate clearance of advertising.

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

4.47 Before you apply for a licence it is important that you read our [Compliance checklist for radio broadcast content](#). The checklist is intended to help applicants and new licensees understand the obligations and rules with which they must comply as a condition of their Ofcom licence to broadcast. Prospective licensees must be aware of the potential scope of their regulatory responsibilities so that robust compliance procedures can be planned and financed at an early stage.

4.48 Condition 14 of a DAS licence requires that you have compliance procedures in place, and this section asks that you demonstrate the ability to meet this licence condition.

4.49 Applicants should be aware that licensees must supply details of their compliance procedures to Ofcom, if we request them.

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

Section 10 of the application form: Checklist of supporting documentation

- 4.51 You must ensure that you submit your application fee in accordance with paragraphs Section 3 of these guidance notes.
- 4.52 The application form must be accompanied by the supporting documentation set out in Section 10 of the form.
- 4.53 Documentation must be in legible form and translated into English where applicable.

Failure to supply the necessary documents may result in the application being rejected.

- 4.54 Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit please send your supporting documents in a separate email(s) clearly state the applicant's name in the subject line of the email along with "DAS".
- 4.55 Please tick the relevant boxes below to confirm that you are providing each of the relevant documents with your application.

Section 11 of the application form: Declaration

- 4.56 The application form must be submitted by the applicant named in response to question 3.2 of the form. **An agent may not sign the form.**
- 4.57 The person authorised to make the declaration on behalf of the applicant must print their name and must be one of the following:
 - a) A director of the company or the company secretary where the applicant is a company.
 - b) A designated member where the applicant is a Limited Liability Partnership.
 - c) A partner, where the applicant is a partnership.
 - d) A member of the organisation's governing body where the applicant is an unincorporated body or association.
 - e) The individual who will be the licensee where the applicant is an individual.
- 4.58 The declaration must also be dated.