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Local Digital Television
Programme Service (L-DTPS)
licence application form

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This document is a draft of Ofcom's Local Digital Television Programme Service (L-DTPS) licence application form. It is published now as part of the Licensing Local Television consultation process to provide information on Ofcom's current thinking, and comments are welcome.

Subject to consultation responses which we receive on local television, after the consultation has closed, Ofcom hopes to publish a final version of this application form. Given that Ofcom is currently consulting, and that Ofcom's thinking and final decisions will depend on feedback received under the consultation process, the final version may differ from this draft.

Publication date:

27 January 2012

About this form

Guidance and word limit

Applicants are advised to read the Ofcom document 'Notes of guidance for local digital television programme service applicants and licensees'. This includes information regarding the legislative framework for local television.¹

Please answer all the questions in this form. Certain sections have a word limit, set at a level we consider appropriate for applicants to provide the information required. Ofcom may disregard any content beyond this limit.

Confidentiality

Ofcom will publish online a copy of each application. However, if applicants wish to give some answers in confidence, they can provide two versions of the application, one 'full' and one 'for publication'. The fields that may be redacted are clearly indicated throughout, and relate to personal and financial information. We will try to respect these requests to keep information confidential, but sometimes we may need to publish applications in their entirety, in order to meet legal obligations.

Provision of information

The Broadcasting Act 1996 makes it an offence to state false information or withhold relevant information from Ofcom in relation to an application for a broadcasting licence. A conviction for that offence results in disqualification from holding broadcasting licences. Full information is required because Ofcom must assess applications against specific criteria and consider whether the involvement of individuals in the body applying for a licence are 'fit and proper' and that their involvement with other organisations does not disqualify them from participation in a local television licence.

Programming Commitments

Part of every L-DTPS licence issued will be the *Programming Commitments*. As part of this application we would like each applicant to draft its own proposed Programming Commitments. If you are awarded a licence, then subject to Ofcom's agreement, this draft will form the basis of this part of your licence. It should summarise your programme output, including your commitments to local news and current affairs programming.

Accompanying media

This application form (fully completed and with any supporting documentation) is sufficient to apply for an L-DTPS licence. It is not necessary to accompany the application with a show-

¹ We are not publishing proposed *Notes of guidance* to accompany this draft application form, as the Local TV Licensing consultation document provides the legislative context. A document of this name will accompany the final application form when it is published.

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reel or any other media content, and the assessment of your application will not include assessment of any such material.

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| 1. Service name | Guidance notes |
|------------------------------------|-------------------------------------------------------------------------|
| What is the proposed service name? | <i>The name you will use to identify the service within broadcasts.</i> |
| Answer: | |

| 2. Proposed area | Guidance notes |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What local coverage area does this application relate to? | <i>This licence is advertised for an area based on predicted transmitter coverage. Coverage areas are named for their principal conurbations, and are defined by the technical plan submitted by the successful applicant for the multiplex licence. We are requiring that coverage at each location is at least as good as predicted by our modelling.</i> |
| Answer: | |
| What editorial area do you propose to serve within the stated coverage area? | <i>The editorial area you propose to target may be a locality or localities within this coverage area. Whether this is a sub-set of the area or the entire area your service will be broadcast to the whole coverage area.</i> |
| Answer: | |

| 3. Proposed launch date | Guidance notes |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What is your state of readiness for launching your proposed service? | <i>It would be helpful for us to have an idea of how ready you are to start broadcasting. What is the earliest likely scenario, and what is the latest?</i> |
| Answer in fewer than 100 words: | |
| What would be your indicative launch date, to start broadcasting from? | <p><i>A launch date will be achievable in practice only if the multiplex licensee has built out coverage to your location by that date. Because we are running the process for awarding the multiplex and the first L-DTPS licences in parallel, the proposed build-out schedule is not known yet.</i></p> <p><i>When the local multiplex licence is awarded, its proposed build-out schedule will be compared with the indicative launch dates for all L-DTPS services in Phase 1. As far as possible, we anticipate that the multiplex operator will amend the build-out plan to align with proposed service launch dates.</i></p> <p><i>Services should have a target of commencing broadcasting within two years (this is when we expect most locations to be built out), and it will be a condition of award that the service must be broadcasting within three years of the date of licence award, unless by that time the multiplex operator has not built out coverage for your area.</i></p> |
| Answer as a date: | |

Programmes and programme output

Definitions and guidance²

Localness requirement

The studio, from which the service will be broadcast, and/or the main production base of the service, should be located within the licensed area. (In some instances, and by prior written agreement from Ofcom, it may be acceptable for the primary studio to be located outside the licensed area. If you make the case in this section for locating your studio or production base outside the licensed area, then we will confirm if this is acceptable when awarding the licence.)

News

As the licence is for a local television service, the most important element of news provision should be local news. Local news should be high-quality, relevant, timely and accurate, as well as complying fully with the requirements of the Broadcasting Code, including due impartiality.

Local news should react to major local events in a timely manner, and seek to reflect the interests and concerns of people living in the area. Local news stories should be up to date. Simply localising UK-wide news (e.g. by conducting vox pop interviews or inserting local place names) without local news/information generation would not be regarded as fulfilling local news requirements.

While local sports stories can make a significant contribution to local news, and can represent an important part of a local service's editorial mix, local sports news would not be regarded as being a substitute for more 'serious' local news stories. Similarly, entertainment news may be relevant locally but should not be the main ingredient of bulletins.

Current affairs

A current affairs programme is one that contains explanation and/or analysis of current events and issues, including material dealing with political or industrial controversy or with current public policy. Current affairs content is also required to be duly impartial.

Peak time

Your programming commitments should state how much and which elements of your local programming will be broadcast during 'peak time', which is between 6.30pm and 10.30pm.

Material produced for another broadcaster

If you intend to broadcast material produced for a different organisation please state what it is and how much (per day or week as appropriate).

| 3. Programme output | Guidance notes |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Please answer the questions below. They are worded to enable you to describe your proposed programme output in such a way as to demonstrate that it meets the statutory criteria for licence award.</p> <p>Later in this form you will be asked to draft your own 'programming commitments'. This will form the basis of your licence and is what Ofcom will judge you against once you are broadcasting. It should include a summary of your proposed programme output as set out below and reflect your commitment delivering a local digital television programme service according to the statutory criteria.</p> | <p><i>In awarding a licence, the law requires Ofcom to have regard to the extent to which any proposed service would</i></p> <ul style="list-style-type: none"> • <i>Meet the needs of the local area;</i> • <i>Broaden the range of TV programmes available in the local area;</i> • <i>Increase the range of programmes made in and about the local area;</i> • <i>Be maintained for the duration of the licence.</i> <p><i>The law also requires that the range of programmes should</i></p> <p><i>(a) bring social or economic benefits to an area, or to different categories of persons living in the</i></p> |

² The text in this guidance section is intended to replace the indicative text that appears in our consultation at paragraph 7.9.

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| | <p>area;</p> <p>(b) cater for the tastes, interests and needs of people living and working in the area;</p> <p>(c) facilitate civic understanding and fair and well-informed debate through coverage of local news and current affairs;</p> <p>(d) reflect the lives and concerns of communities and cultural interest and traditions in the area;</p> <p>(e) include content that informs, educates and entertains and is not otherwise available through a digital programme service which is available across the UK.</p> <p><i>The information given here should be more detailed than what you set out in your draft programming commitments (later in this form), and will help us gain a fuller understanding of how you will serve your target area.</i></p> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

3. Programme output

A: Please tell us about your programme service The following questions may help you describe your programme service (but should only be used as a guide):

- What are the proposed programming elements of your service and what will be the balance between the different elements of that programming?
- How many hours a day/week of programming do you intend to broadcast in total?
- How many hours a day/week of local programming do you intend to broadcast?
- Do you intend to broadcast live output? If so when and how much do you propose to do?
- Will you broadcast in languages other than English (what languages and how much)?
- How much of your output will be original i.e. produced for your service alone?
- Will your local programming be locally produced?
- How much do you intend to repeat local material?

Answer in fewer than 1,000 words:

B: How will your programming meet the needs of the area?

Answer in fewer than 500 words:

C: How will your programming broaden the range of TV programmes available in the local area?

Answer in fewer than 500 words:

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D: How will your programming increase the range of programmes made in and about the local area?

Answer in fewer than 500 words:

E: How will your programming bring social or economic benefits to an area, or to different categories of persons living in the area?

Answer in fewer than 500 words:

F: How will your programming cater for the tastes, interests and needs of people in the area?

Answer in fewer than 500 words:

G: How will your programming facilitate civic understanding and fair and well-informed debate through coverage of local news and current affairs?

Answer in fewer than 500 words:

H: How will your programming reflect the lives and concerns of communities and cultural interest and traditions in the area?

Answer in fewer than 500 words:

I: How will your programming include content that informs, educates and entertains and is not otherwise available through a digital programme service which is available across the UK?

Answer in fewer than 500 words:

J: What will you broadcast outside of your planned local hours? Do you intend to share programming with other local services? From whom do you propose to acquire any third-party programming and what will the nature of this programming be? Please illustrate with a sample schedule for one week; you will not be held to this illustration, only to your Programming Commitments (below).

Programming Commitments

Guidance notes

Please draft the Programming Commitments for your proposed service.

If your organisation is awarded a licence, these Programming Commitments will form the basis of what we put in the licence.

The Commitments drafted here are subject to Ofcom's agreement, and we may require the drafting to be amended, for example if it did not sufficiently reflect legislative requirements.

Your draft Programming Commitments should be consistent with, and summarise the answers you have already given in the previous section of this application form.

You should keep in mind that it will be a condition of any licence to meet the Programming Commitments: this is something you must do at all times and if you fail to do so you could face sanctions including revocation of the licence. They should therefore be precise and achievable.

Programming Commitments

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Programming output [This should be a summary of the answer you have given in section 3, in no more than 200 words] | |
| Hours of local programming per day / week [This should be split between first-run and repeats] | |
| Hours of local programming per day / week in peak-time (6.30-10.30pm) [This should be split between first-run and repeats] | |
| Hours and scheduling of local news and current affairs programming [For example, how many bulletins a day and of what duration?] | |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The information provided must include:</p> <ul style="list-style-type: none">• all the subscribers, members, shareholders, or whatever is appropriate for the applicant company (or body corporate), and state the extent of their interest (e.g. % shareholding) (if the company will be controlled by members, but the members are not yet recruited, please say so). (You will also be asked about the board of directors in 7 & 8 below.)• details of any individual, company or other body that may exert control over the applicant. | <p><i>Articles of Association of the company).</i></p> <p><i>In relation to exerting control over the applicant, the information provided should include the name and address of any individuals or corporate bodies in accordance with whose wishes the applicant's affairs are or will be conducted in most cases or in significant respects.</i></p> |
| <p>Answer:</p> | |

Ability to maintain the service – management and operations

Ofcom is required to have regard to the ability of the applicant for the licence to maintain the service.

| 7. Management structure ³ | Guidance notes |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>With regard to the applicant please provide:</p> <ul style="list-style-type: none"> • A list of directors, indicating who is the managing director and/or chair (please see question 8 regarding directors' details) • An indication of management structure (e.g. management committee or equivalent, if applicable), and/or • Information about who would be responsible for the day to day management and running of the service (there is a separate question regarding other staff below). | <p><i>In addition to the notes above on ownership, Ofcom is also required to evaluate the human resources involved in the running of a service. Answers should demonstrate how those who have relevant experience will work for the service.</i></p> |
| <p>Answer:</p> | |

| 8. Director profiles | Guidance notes |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Please provide information regarding each director as set out below (some or all of which may be regarded as confidential).</p> | <p><i>Ofcom needs to know about the proposed directors and chair of the applicant. Some or all of the information given in this section will usually be removed from the publicly available copy of this application form. (All applications will be published on our website.)</i></p> |

³ Names of any individuals except directors may be redacted in your 'for publication' version.

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Answer (for each director):

Home address

Contact phone number

Email address

Employment

Other directorships

Relevant experience or qualifications

9. Staffing structure

Guidance notes

What is the staffing structure of your proposed service? Provide a job title for key positions and indicate any unpaid as well as paid staff. This may be provided as a diagram or organisation chart. If yours is a large organisation, it is not necessary to provide an exhaustive list: key management and an indication of total size will suffice. In a small organisation, it may be appropriate to list everyone.

The legislation requires that Ofcom has regard to the applicant's ability to maintain the proposed service (as well as to ensure the applicant is fit and proper to hold the licence). As well as its ownership, management and operations, the proposed staffing of the service is relevant to these considerations.

Answer in fewer than 400 words, plus organisation chart (optional):

10. Applicant's experience

Guidance notes

Please describe the history of your group, and any relevant experience of the group, or the individuals within the group, by answering the questions below.

Ofcom is required to consider whether an applicant has the ability to run a local television service for the licence period (up to 12 years). To aid our consideration we want to know about any relevant experience the applicant group as a whole, or the

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| | <i>individuals involved, may have.</i> |
| <p>A. Please provide a brief history of your group. Answer in fewer than 300 words:</p> | |
| <p>B. Please summarise the group's broadcasting experience. Answer in fewer than 150 words:</p> | |
| <p>C. Please summarise the relevant experience of the group or its members, in relevant non-broadcast areas (such as print journalism, third sector, local business, sales and marketing, fund-raising, training or education). Answer in fewer than 150 words:</p> | |
| <p>D. Please summarise the broadcasting experience of key individuals in the applicant group (only if not already described above). Answer in fewer than 150 words:</p> | |

Ability to maintain the service – financial information⁴

11. Financial information: funding and projections

In assessing an applicant's ability to maintain the service we are asking for the financial information detailed below.

A. Funding

Detail the sources and amount of finance that will be used to fund the licence, under the following headings:

- i) Share capital
- ii) Loan stock
- iii) Bank overdraft
- iv) Other lending
- v) Leasing/HP facilities (capital value)
- vi) Subsidies, grants and/or donations
- vii) Other (please specify)

Where relevant, provide information on:

- i) Any preferential dividend or other payment rights attaching to share capital;
- ii) Lending terms (e.g. term, interest rate, repayment terms, redemption/conversion terms, details of any guarantees or security granted);
- iii) Conditions or other terms attaching to any subsidies, grants or donations;
- iv) Any other material terms.

All of the funding identified above should be confirmed to the applicant. If any funding has not been confirmed, or if there are any pre-conditions that have not yet been met that need to be met before the funding is released to the applicant, you should explain what needs to be done and any steps the applicant needs to take to ensure the funding is confirmed and/or released.

B. Financial Projections

⁴ This section may be redacted in your 'for publication' version.

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Please provide financial projections for period prior to launch and annual projections for each of the first three years following launch.

The projections must include detail of the applicant's revenue or other income and cost estimates. The projections should be supplied on an Excel spreadsheet or similar, with any accompanying guidance notes.

The projections may include profit and loss accounts, balance sheets and cash-flow forecasts (the format we expect to be used by applicants for licences which cover the larger population coverage areas) but, as a minimum, must include the following:

1. For the revenue or other income estimates, each source of revenue should be separately detailed, e.g. advertising, sponsorships, product placement, etc. The applicant should detail how each of the revenue and other income figures are derived and the underlying assumptions upon which they are based, for instance audience share or other forecasts.
2. For the cost estimates sufficient detail should be included to enable us to both 1) ensure that you have considered all relevant operating and capital costs and 2) understand which costs are fixed costs and which costs are variable costs.

Contact information and declaration

You must advise Ofcom of any changes to contact details.

| 12. Public contact details | Guidance notes |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide the name of the person who will deal with enquiries from the press and public and the contact details for them. | <i>Ofcom will publish licence applications, and from time to time statements which may include public contact details, on its website. A point of contact is required for these.</i> |
| <p>Answer here:</p> <p>Name:</p> <p>Phone:</p> <p>E-mail:</p> <p>Website:</p> <p>Postal address:</p> | |

| 13. Contact details for Ofcom ⁵ | Guidance notes |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Provide the name of the person who will be Ofcom's primary contact and their contact details: | <i>Ofcom will need to contact your group in relation to this application.</i> |
| <p>Answer here:</p> <p>Name:</p> <p>Phone:</p> <p>Mobile:</p> <p>E-mail:</p> <p>Website:</p> <p>Postal address:</p> | |

⁵ This section may be redacted in your 'for publication' version.

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14. Concluding declaration

APPLICANT'S, DIRECTORS' AND OWNERS' OTHER INTERESTS

1. In relation to the applicant and any bodies and/or individuals whose details are given in this application, please state whether the applicant, any body or individual is (and if so identify that body or individual) involved in any of the activities set out in the table below, and the extent of the involvement or interest. For these purposes, the applicant includes associates of the applicant (i.e. directors and their associates and other group companies). If none of the following categories in this section apply, this must be clearly indicated by writing 'none' in any appropriate box.

| Activity/involvement | By the applicant and/or a shareholder or member | By a director |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------|
| a) Local authorities | | |
| b) Bodies whose objects are wholly or mainly of a political nature, or which are affiliated to such a body | | |
| c) Bodies whose objects are wholly or mainly of a religious nature | | |
| d) An individual who is an officer of a body falling within (c) above | | |
| e) A body corporate which is an associate (as defined in paragraphs 1(1) and 1(1a) of Part I of Schedule 2 to the Broadcasting Act 1990) or a body falling within (b) or (c) above | | |
| f) An advertising agency or an associate of an advertising agency | | |
| g) Other broadcasting interests (including radio, television, satellite and cable broadcasting and allied activities). | | |

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Other matters

3. In pursuance of its duties under Section 3(3) of the Broadcasting Act 1996 (as amended), Ofcom requires that the applicant should notify Ofcom of any matters which might influence Ofcom's judgement as to whether:

- (i) the applicant;
- (ii) any director of the applicant;
- (iii) any individual, or any director of a company, who will have an interest of 5 per cent or more in the applicant;

may not be considered a 'fit and proper person' to participate in a broadcasting licence.

Answer:

Do you confirm, to the best of your knowledge and belief, that:

- 4. The applicant is not a disqualified person in relation to the licence by virtue of the provisions of section 143 (5) of the Broadcasting Act 1996 (relating to political objects);
- 5. The applicant is not otherwise a disqualified person in relation to the licence by virtue of Part II of Schedule 2 to the Broadcasting Act 1990 or any other rule prohibiting its holding the licence;
- 6. No director, member or other person involved directly or indirectly in the management of the applicant group is the subject of a disqualification order as defined by section 145 (1) of the Broadcasting Act 1996; and
- 7. Any matters which might influence Ofcom's judgement as to whether the directors or members of the applicant group are fit and proper persons to participate in a licence have been made to Ofcom.

Applicants should note that Ofcom reserves the right to revoke a licence if at any time any material statement made is found to be false and to have been made by the applicant or any member or officer thereof knowing it to be false, and that in the circumstances of section 144 of the Broadcasting Act 1996, the provision of false information or the withholding of relevant information with the intention of misleading Ofcom could incur a criminal conviction and a disqualification from the holding of a licence.

Please tick this box to confirm that the applicant agrees with the above statements.

Please tick the boxes below to indicate which additional documentation is included as part of this application. We are not willing to accept additional information with this application, other than that set out below:

- Memorandum & Articles of Association
- Certificate of Incorporation
- Application Payment (UK £2,500) – this is non-returnable.
- Indicative schedule

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I hereby apply to Ofcom for the grant of an L-DTPS licence and declare that the information given in this application and any additional documentation is, to the best of my knowledge and belief, correct.

..... (Name of person)

..... (Title or position in the applicant group)

..... (Date)

Please return this form and any additional electronic information to: local.tv@ofcom.org.uk

If you need to send anything in hard copy, please send it to:

Local Television Licensing Team
Ofcom
Riverside House
2A Southwark Bridge Road
London
SE1 9HA

Please make sure you keep a copy of anything you send, for your records.