
Invitation to apply for a ‘limited coverage’ FM restricted service radio trial licence

Restricted service licensing: Trial of Ofcom’s ‘limited coverage’ planning method

Publication date: 19 March 2021

Closing date for applications: 30 April 2021

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1. Overview

This document invites applications for limited coverage FM restricted service radio trial licences. The purpose of these trial licences is to test whether the use of 'limited coverage' FM spectrum, at low power (typically between 50 mW and up to 2 W) and over a short range (typically up to 1 km radius), could provide a viable way for Ofcom to make more spectrum available for the licensing of restricted radio services in the future.

Ofcom is looking to issue ten of these short-term licences, each of which has a term of twelve months, although there may be limited scope for Ofcom to issue more than ten.

This trial will only be suitable for those looking to broadcast FM radio services for a minimum of 4 hours per day for any 5 days a week to a single establishment, with a coverage radius of up to 1 km. Whilst Ofcom will seek to manage interference, it should be noted that trial participants may be liable to incoming interference at the edge of their coverage area or more generally. Ofcom also cannot guarantee that trial participants will be able to remain on the frequency beyond the conclusion of the trial.

In order to participate in the trial, applicants will need to meet the eligibility criteria set by Ofcom. Further, if there is significant interest in this trial and Ofcom is unable to grant trial licences to each of the eligible applicants, Ofcom will judge applications against specified assessment criteria, and award trial licences to those applicants which it considers best meet the criteria. This document explains the purpose of the trial, how it will work in practice, and explains the information Ofcom needs to receive from applicants.

The closing date for applications is **5pm on 30 April 2021**.

2. Introduction

- 2.1 One of Ofcom's roles is to manage the radio spectrum in the United Kingdom. This means the airwaves used by individuals and organisations for a variety of different uses, including mobile communications and broadcast services. Spectrum is itself a scarce and finite national resource, and Ofcom is required to secure its optimal use.
- 2.2 Whilst the use of some radio apparatus is licence exempt, most radio apparatus can only be used pursuant to a licence issued by Ofcom. Our licensing regime aims to secure the efficient use of the spectrum and to manage interference by separating users in terms of geography, time and frequency.
- 2.3 However, demand for spectrum often exceeds supply and we are therefore always looking for ways to make more spectrum available. This is the case with Band II/FM spectrum (87.5-108.0 MHz), as we are sometimes unable to identify an FM frequency in certain areas for restricted service licences ("RSLs"). As we explain below, RSLs are available for a range of uses such as, for example, the coverage of one-off events or for hospital/university radios, and interest in these licences has been steadily increasing over the last few years.
- 2.4 We have therefore developed a frequency planning method that enables us to identify what we refer to as 'limited coverage' spectrum, which is interleaved with broadcast services in the FM band. This is spectrum which can be used at specific locations but which would be liable to levels of interference which will constrain coverage. We think this spectrum should be particularly well suited for use at low power over a short range (up to around a 1km radius), and therefore for use by certain types of RSL licensees. We refer to this planning method as the limited coverage method throughout this document.
- 2.5 We have tested the limited coverage method in-house at our Baldock facility and the results of this testing were encouraging. However, we are now looking to test the use of this spectrum in a variety of different real-life situations and we are therefore inviting stakeholders to assist us with a technical trial. Amongst other things, this should enable us to see whether the coverage and interference associated with this spectrum are in line with our expectations and, therefore, whether this planning method could be used by Ofcom in the future in order to increase the supply of spectrum available for RSLs that only need to serve a small locality.
- 2.6 In the remainder of this section, we provide a short overview of the RSL regime, and explain in more detail the limited coverage method. In **Section 3**, we explain how the technical trial will work in practice. In **Section 4**, we explain who can participate in the trial and what assessment criteria we will apply if we receive a lot of applications.
- 2.7 An application form and draft trial licences have been published alongside this document.

Restricted Service Licences

- 2.8 RSLs are available for a range of uses, but are used primarily for the broadcasting of radio services over a limited coverage area and/or in respect of a particular event of limited duration. As explained in our guidance,¹ RSLs broadly fall under three headings:
- a) short-term RSLs (SRSLs), which are granted for the coverage of events and where licensees are limited to a small coverage area and usually a maximum of 28 days;
 - b) long-term RSLs (LRSLs), which are granted for the broadcasting of a service provided within a clearly-defined single site occupied by an establishment such as a university, hospital, military barracks, marina or shopping centre, and for a period of one to five years; and
 - c) Audio Distribution Systems RSLs (ADSRSLs), which are granted for services provided within a site (such as a sports stadium or conference centre) or for coverage of events or other temporary purposes (e.g. commentary, translation services), for a five-year period.
- 2.9 The frequencies of 87.7 and 87.9 MHz (FM) have been reserved by Ofcom for use by RSLs. FM frequencies from other parts of VHF Band II are not usually available for LRSL use because of the complexity in planning the use of those frequencies and because of the constraints that would make on the use of that spectrum for BBC, Commercial and Community Radio stations. In many cases, we do not have sufficient FM spectrum available based on our current frequency planning method to meet demand for LRSLs. This means that applicants for an RSL licence (particularly for an LRSL licence) are either unable to secure a licence, or can only obtain a licence in respect of AM spectrum (which is likely to be susceptible to more interference) or in the form of an SRSL (rather than a longer-term LRSL) licence.²
- 2.10 We also note that we have witnessed a steady increase in the number of applications that we have received for RSLs over the last few years. Since the start of the Covid-19 pandemic, interest in these licences has been particularly high (particularly for events like drive-in movies) and even led to us creating a temporary class of Covid-19 RSLs.³ Indeed, applications for RSL licences have more than doubled in the last year (from just under 150 in 2019 to over 400 in 2020).

The Limited Coverage Method

- 2.11 As explained above, the limited coverage method is a frequency planning method that enables us to identify what we refer to as 'limited coverage' spectrum on frequencies that are interleaved with broadcast services in the FM band. This is spectrum which can be used

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0031/197419/lrsl-adrsl-notes-of-guidance.pdf

² AM services are licensed on a frequency in the medium waveband. It is Ofcom's policy that the following AM frequencies will be available for LRSL use: 1134 kHz, 1251 kHz, 1278 kHz, 1287 kHz, 1350 kHz, 1386 kHz, 1431 kHz and 1449 kHz.

³ <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence/temporary-srsl>

at specific locations but which would be liable to levels of interference which will constrain coverage. We hope that it will enable the use of radio spectrum more intensively than at present.

- 2.12 In particular, the limited coverage method allows us to identify small gaps in spectrum use, in small coverage areas. Whilst these frequencies may not be available on a national or regional coverage basis, they might be available for use in small areas (typically up to a 1km radius) and at low power, so as to avoid causing interference to other radio services.
- 2.13 Whilst use of the limited coverage method should enable us to identify small pockets of FM spectrum throughout the UK that could be used for RSLs, and therefore should increase the availability of spectrum for RSLs, the use of this planning method will not necessarily increase the availability of spectrum in all geographical areas. This is particularly the case in areas of congested spectrum use such as Greater London. It will also not be applicable to Community or Commercial Radio, or for RSLs seeking wider coverage areas (e.g. those wishing to serve sizeable parts of a town or city) because of the limited coverage achievable.
- 2.14 We have already conducted some initial in-house testing of the limited coverage method at our Baldock facility. The results of this were encouraging.⁴ However, before incorporating this method of frequency planning into our RSL regime, we are looking to run a technical trial with the assistance of stakeholders. We provide details of the trial in Section 3 below.
- 2.15 If successful, we would anticipate being able to use the limited coverage method of frequency planning in the future when issuing RSLs. This should increase the availability of spectrum for RSLs in general, and therefore further the interests of citizens and consumers, and secure the optimal use of spectrum.

Alterations and disclaimer

- 2.16 Ofcom reserves the right to alter or correct any part of this Invitation to Apply ("ITA") at any stage before the closing date for applications. Any additional documents referred to in this ITA may also be amended from time to time. Any such alterations, corrections or supplementary information will be made available on our website (www.ofcom.org.uk).
- 2.17 The information given in this ITA is not an exhaustive account of the statutory and licensing requirements and should not be regarded as a complete and authoritative statement of the law. Nor does any information we issue, whether in this ITA or elsewhere, imply any judgement by us as to the commercial prospects for the applications, or the profitability of the licensed services. All applications are made at the applicant's own risk. We note, in this regard, that it will be the responsibility of trial participants to meet all of the installation and operating costs of the trial, and that Ofcom cannot guarantee the successful

⁴ We note that the trials were only conducted for outdoor scenarios, and we did not therefore carry out any indoor scenario measurements. Also, our in-house testing was limited to the broadcasting of radio services up to 10 metres above ground level.

transmission of their service. Applicants should take their own legal advice on all information contained within this document.

Contact details

2.18 Any queries on the contents of this document should be sent to limitedcoveragetrial@ofcom.org.uk

3. Overview of the trial

- 3.1 In this section, we explain:
- a) the objectives of the trial;
 - b) the equipment that participants will need to take part in the trial; and
 - c) the licensing arrangements that we intend to put into place in order to implement the trial (including the fees payable by trial participants, the length of the trial and a summary of the rights and obligations of trial participants).
- 3.2 In Section 4, we then provide detailed guidance for applicants on matters including eligibility to participate in the trial and the criteria that we will apply in the event that demand to participate in the trial is higher than anticipated.

Trial objectives

- 3.3 The immediate purpose of the trial is to verify, under a variety of 'real-world' conditions (for example, in urban and rural areas, deployment in different building types, as well as indoor and outdoor situations):
- a) that the limited coverage planning method delivers the expected level of coverage; and
 - b) that the users of limited coverage spectrum do neither experience undue interference from other radio services within their predicted coverage area, nor cause undue interference to others.
- 3.4 However, we also expect this trial to have potentially significant longer-term implications. Specifically, if the trial provides evidence that the limited coverage method will enable the more intensive use of spectrum in certain areas without causing undue interference to others, then we would expect this to provide Ofcom with the opportunity to license RSLs (particularly LRSLs) in geographic areas where we have previously considered there to be no frequencies available.
- 3.5 The trial will also form part of the evidence base that feeds into a review of parts of the RSL licensing regime, which we hope to commence later in 2021.
- 3.6 Applicants should bear in mind that one of the assessment criteria to be considered by Ofcom (as discussed from paragraph 4.41 below), is the extent to which an applicant's proposals – when considered together with any other applications – would meet the immediate objectives of Ofcom's trial, set out above. This will be dependent on the geographic and other characteristics of the location that the applicant's proposed service is intended to serve, and it may mean that applicants that put forward otherwise strong applications (in terms of, for example, their experience in broadcasting and the minimum number of hours that they intend to provide a trial radio service) may not be awarded a trial licence.

Brief overview of the trial

- 3.7 The trial will last for a 12-month period and, during this time, successful applicants (hereafter referred to as “trial participants”) will benefit from the right to use the trial FM frequency allocated to them for the purpose of providing radio services at low power and to a limited coverage area, subject to the terms and conditions of their trial licence.
- 3.8 During this period, trial participants would be required to broadcast for at least 4 hours per day for any 5 days a week and, during the first three months of the trial, provide regular reports to Ofcom regarding interference and coverage levels. For the remaining nine months of the trial, a less onerous reporting regime will apply although the requirement to broadcast for at least 4 hours per day for any 5 days a week will remain. Details regarding the terms of the trial licences are provided from paragraph 3.15 below and draft trial licences have been published separately.
- 3.9 There will be no financial contribution from Ofcom towards the costs of the trial, including the initial installation costs of the necessary FM transmission equipment. Trial participants will therefore need to bear these costs in full.
- 3.10 At the end of the 12-month licence term, the trial licences will expire and participants will no longer be authorised to use the trial FM frequencies. Participants may be entitled to reapply for RSLs using these frequencies at the end of the trial in accordance with our standard RSL licensing procedure. However, Ofcom cannot guarantee that trial participants will be able to remain on the frequency beyond the conclusion of the trial. It is very important for potential applicants to bear this constraint in mind when deciding whether to invest in the FM transmission equipment necessary for the trial.

Technical information regarding the trial

- 3.11 The precise technical equipment used by each participant in the trial is a matter for that participant and may vary depending on, amongst other things, that participant’s location and whether or not it already provides a broadcast service (for example, it may already provide a broadcast restricted service using AM spectrum).
- 3.12 However, by way of guidance for potential applicants, we set out below a non-exhaustive list of the equipment, materials and other necessary elements that we would expect to be relied on in order to successfully participate in the trial:
- 3.13 a source of programme content (a studio or other playout system);
- 3.14 a low power FM transmitter and suitable filter to ensure compliance with Ofcom’s Site Engineering Code for Analogue Radio Broadcast Transmission Systems;⁵
- 3.15 a transmitting antenna, mounting pole and outdoor location where it can be safely positioned;
- 3.16 a location to house the transmitter where it can be expected to operate reliably; and

⁵ https://www.ofcom.org.uk/_data/assets/pdf_file/0017/37133/code2013.pdf

- 3.17 means of connecting all of the components together (e.g. suitable cabling and routes where those cables will run).
- 3.18 We anticipate that it will take participants no longer than 12 weeks in order to source the necessary FM transmission equipment and set it up, and the assessment criteria for Ofcom's licensing process take account of this (see paragraph 4.44 below). Some participants may however be able to do this significantly quicker.⁶ We note that it may only be cost effective for applicants to apply for a trial licence if they already have the necessary studio facilities e.g. if they are already operating an AM LRSL or an internet based radio service intended to serve a particular establishment.
- 3.19 As noted above, it will be the responsibility of trial participants to meet all of the installation and operating costs of the trial.

Licensing arrangements for the trial

- 3.20 Ofcom will issue two separate licences to trial participants (just as we issue two licences as part of our standard RSL licensing procedure). These are:
- 3.21 a licence under section 9(1) of the Wireless Telegraphy Act 2006 ("**WTA 2006**"), which will authorise the use of a specific FM frequency across a limited coverage area and at low power only; and
- 3.22 a licence under the Broadcasting Act 1990 ("**BA 1990**"), which will require the broadcasting of a sound broadcasting service on that frequency.
- 3.23 The terms and conditions of these licences will be, for the most part, identical to those found in non-trial RSL licences. However, a number of specific trial-related conditions will be included. We provide a short overview of these below. Drafts of both trial licences have been published at the same time as this document, and are available [here](#). Ofcom reserves the right to modify these during the application process, and to make amendments before their grant to trial participants, where necessary.
- 3.24 We also note that, where a trial participant is already licensed to provide broadcast services (for example, an LRSL licence holder in respect of AM spectrum), that participant's existing licences would remain untouched as a result of participation in the trial. Such a participant would be issued with separate trial licences and would therefore be free to provide a different broadcast service as part of the trial.

Licence term

- 3.25 Successful applicants will be notified in writing of Ofcom's decision to 'award' trial licences. We currently anticipate that licence award will take place in Summer 2021, although this will depend on the number and complexity of applications that we receive in response to this document. It should be noted that a licence award is not authorisation to provide a

⁶ We note that we would expect the commencement date in this case to still be 12 weeks from the date of licence award.

service. It only sets out Ofcom's decision about which of the applicants should be granted trial licences.

- 3.26 As noted above, Ofcom will then prepare licences under the WTA 2006 and BA 1990 for each trial participant. These will be signed by Ofcom and issued to the licensee shortly before service launch. This is referred to as 'granting'.
- 3.27 At the point of granting, each trial licence will specify a commencement date and the licence conditions will come into force on this commencement date. This is when the licence term begins, and it is only from this point that the trial services can commence.
- 3.28 All trial participants will be required to launch their service within 12 weeks of the date of licence award, unless Ofcom gives permission for a later launch due to unforeseen circumstances. In the event that a trial restricted radio service fails to launch within this timeframe, Ofcom may not grant (or may withdraw) the licence, and seek to re-award the licence to another eligible applicant.
- 3.29 As explained in Section 4 below, applicants are asked to set out in their application a week-by-week plan detailing how they intend to launch the trial radio service within 12 weeks of licence award.
- 3.30 Both licences will be issued for a fixed period of 12 months from the commencement date. At the end of this period, the licences will automatically expire and trial participants will be required to cease FM transmissions.

Fees

- 3.31 Applicants will not be required to pay an application fee. However, each applicant will be required to pay the following fees should their application to participate in the trial be successful:
- 3.32 A fee of £100 in respect of the wireless telegraphy licence; and
- 3.33 A fee of £140 in respect of the broadcasting licence.
- 3.34 Payment of these licence fees must be received by Ofcom before trial licences are issued.

Requirement to broadcast for a minimum number of hours

- 3.35 Trial participants will be required by their broadcasting licence to broadcast for at least 4 hours per day on any 5 days a week, throughout the trial. This condition has been included in order to ensure that Ofcom is able to gain a sufficient amount of data on coverage and interference levels during the trial. Failure by a trial participant to meet this minimum level of broadcasting may result in Ofcom withdrawing the trial licence and seeking to re-award the licence to another eligible applicant.
- 3.36 Whilst trial participants will need to ensure that their broadcast programming complies with Ofcom's Broadcasting Code and any other relevant legislation or rules (for example, the UK Code of Broadcast Advertising), the precise contents of that broadcasting will otherwise be a matter for the trial participant.

Coverage area

- 3.37 Applicants should note the following constraints relating to the extent of coverage that they may achieve:
- 3.38 Ofcom will seek to identify a frequency and suitable transmitter power to enable the applicant to provide a service across the coverage area proposed by the applicant in its application, although we may need to modify the proposed coverage area depending on the availability of frequencies in that area;
- 3.39 the proposed coverage area should be for a single contiguous site and we are unlikely to accept coverage areas which are greater than a 1km radius from the transmitter location. This constraint is necessary to manage the level of interference from and to other radio services on the same frequency elsewhere; and
- 3.40 there may be some overspill of signal from the trial service into areas beyond the licensed site. However, this overspill area should not be acknowledged, either on-air or in off-air promotion and publicity. No service should be directed at listeners living outside the licensed site.

Power levels / technical parameters

- 3.41 Please refer to Section 6 (Technical matters) of Ofcom's Notes of Guidance for Long-term restricted service licence (LRSL) and Audio Distribution System restricted service licence (ADSRSL) applicants.⁷ The technical parameters set out therein apply in relation to this trial, except as otherwise stated in this ITA.
- 3.42 Ofcom will select a frequency and transmitter power that it judges are suitable to serve the area proposed by the applicant, taking into account the size of the coverage area, the type of coverage intended (i.e. indoor or outdoor) and the potential level of interference from services on the same frequency elsewhere. We expect that the transmitter power licensed in these trials will be no more than 2 watts, and in most cases less. We expect that the transmitting antennas will in most cases be less than 30m above ground level.⁸
- 3.43 Ofcom will use due diligence to identify a frequency and transmitter parameters suitable to serve the area proposed by the applicant. As we are testing a new planning method, it is possible that a trial participant may be required to change the frequency upon which they operate should coverage fall short of expectations, or in the event that other services experience interference from the trial service. Ofcom has the right to change both the frequency and/or power level and accepts no liability for any expense incurred by any such change. We believe it should be possible to find a suitable frequency in most locations. But if we are unable to find a suitable frequency (either because of high levels of incoming or outgoing interference), then we would not issue a trial licence for that location.

⁷ https://www.ofcom.org.uk/data/assets/pdf_file/0031/197419/lrsl-adrsi-notes-of-guidance.pdf

⁸ Ofcom may impose antenna height restrictions in certain regions or localities. Ofcom also reserves the right to vary the agreed antenna height in any area, should problems occur (e.g. interference to other users of the spectrum).

Reporting to Ofcom

- 3.44 All successful applicants will be required to provide information to Ofcom throughout the establishment and operation of the trial, so that Ofcom can gather the required data from trial services. This obligation is reflected, in part, in the trial wireless telegraphy licence.
- 3.45 This will include, but is not limited to the following:
- 3.46 in the establishment phase (i.e. before the service is licensed but following licence award) of the broadcasting service, a requirement to notify Ofcom promptly should delays be deemed likely to prevent the trial participant from launching its service within 12 weeks of licence award;
- 3.47 during the initial 3 months of the trial period (i.e., the initial three-month period from the commencement date of the licence), a requirement to submit regular activity reports to Ofcom including:
- 3.48 (1) event logs detailing reception problems, cause (if known), area(s) affected and duration of the problem; and
- 3.49 (2) monthly emails confirming whether reception reliability has been acceptable and documenting reception reports/complaints and any issues arising.
- 3.50 during the remaining 9 months of the trial period, a requirement to report interference issues to Ofcom as and when they arise, including:
- 3.51 (1) details of when the interference issue occurred, its nature, extent, duration and the parts of the coverage area which were affected; and
- 3.52 (2) identification of the source of the interference if possible (for example, if another radio station on the same frequency can be identified).
- 3.53 To be clear, if trial participants do not experience any interference or reception issues during the remaining 9 months of the trial period, they will not be required to submit any reports to Ofcom during this time.
- 3.54 Ofcom will provide templates for these reports to ensure consistency of reporting, and to minimise the burden on trial participants.
- 3.55 During the course of the trials, Ofcom may visit the transmission site to gather further information should we receive reports of poor reception from a trial participant or to confirm that the equipment is operating satisfactorily. Licensees will be given one week's notice of our intention to carry out a site visit for this purpose.
- 3.56 Ofcom currently expects to publish at least one report (based on the reports submitted by trial participants and our own testing) in order to provide an update on the feasibility of the limited coverage method. This may form part of the evidence base for a review by Ofcom of parts of the RSL licensing regime, which we hope to commence later in 2021.
- 3.57 Depending on the outcome of the trial, Ofcom may decide to include within its own published report(s) parts of each trial participant's reports to Ofcom. In advance of doing so, we would expect to consult each trial participant in relation to any confidential

information (although we note that it is unlikely that confidential information would be included in trial participants' reports to Ofcom).

Modification, restriction, closedown and revocation

- 3.58 There are a number of scenarios in which Ofcom may require a trial participant to cease operating, or even revoke the trial licences altogether. This is primarily to protect other spectrum users from any undue interference, but there may be other circumstances. The process for these is set out in the trial wireless telegraphy licence, and in the WTA 2006.
- 3.59 In particular, applicants should be aware that Ofcom may require modification or restriction of the radio equipment, as well as for the service to cease operating, for a range of reasons, particularly if a licence breach has occurred, or there is undue interference being caused to other users.
- 3.60 Ofcom can revoke the trial licence if a breach of the licence occurs. Ofcom can also revoke the licence for spectrum management reasons at a month's notice. This is to protect other spectrum users from interference from the trials.

4. Applying to participate in the trial

- 4.1 In this section, we explain who can participate in the trial, and how Ofcom will decide between applications if we are unable to grant trial licences to each of the eligible applicants. We also provide general guidance on how to complete the application form.
- 4.2 This document should be read in conjunction with the trial licence application form.
- 4.3 We recognise that applicants may be impacted by the ongoing Covid-19 situation, and we have tried to take account of this when setting the timeframe for applications, and for launch of the service following licence award. We expect that all applicants (and, subsequently, all trial participants) will comply with the latest Government guidance and rules on Covid-19.

Number of trial licences available

- 4.4 Ofcom is looking to grant up to ten limited coverage FM restricted service radio trial licences. We think this should provide us with a sufficient amount of evidence to determine whether the limited coverage planning method could be applied more widely for the purposes of RSL licensing.
- 4.5 There may be scope for Ofcom to issue more than ten licences if there is significant interest in this trial and this would lead to an improved data spread for the trial. However, before doing so, Ofcom would need to take account of the administrative burden of inviting further participants into the trial and applicants should not therefore assume that significantly more than ten licences will be issued.⁹

Who can apply to participate in the trial?

The applicant entity

- 4.6 Trial licences should be held by the entity or person which legally will be deemed the provider of the sound broadcasting (i.e., radio) service. This is the person that should apply to participate in the trial, and who must meet the eligibility criteria set out below.¹⁰
- 4.7 Although we generally expect that applicants for licences will be bodies corporate (for example, we recognise that establishments such as hospitals may want to submit applications in the name of the hospital rather than in the name of a specific employee), individuals are not excluded from holding trial licences. The obligations and responsibilities of the licence do not vary depending on the type of person (legal or natural) holding the licence.

⁹ We note, in this regard, that Ofcom will need to consider and analyse the reporting provided to it by trial participants which may prove time-consuming, and that we may need to liaise with trial participants on an *ad hoc* basis should problems arise (potentially even having to visit trial participants' transmission sites).

¹⁰ For further information on this, please refer to paragraph 5.5. of our Guidance notes on LRSs and ADSRSs (available at: https://www.ofcom.org.uk/_data/assets/pdf_file/0031/197419/lrsl-adrs-l-notes-of-guidance.pdf).

- 4.8 Where an applicant entity is a body corporate, the Memorandum and Articles of Association should be supplied with the application or be available in the public domain, such as on Companies House.
- 4.9 We anticipate that some existing RSL licensees may be interested in this trial (for example, persons or organisations that already hold an RSL licence in respect of AM spectrum). The fact that such an applicant already holds an RSL licence would not be a bar to participation in the trial. Indeed, this may be looked on favourably by Ofcom as it could indicate (amongst other things) a readiness to establish the trial service.

Eligibility criteria

- 4.10 In order to be considered for participation in the trial, applicants must meet a number of criteria, which we refer to as 'eligibility criteria':
- 4.11 be eligible to hold the trial licences (as discussed in more detail below);¹¹
- 4.12 demonstrate that they are able to establish their trial limited coverage FM restricted radio service within 12 weeks of licence award, including that they have a sufficient level of technical competence and experience or access to a contractor with such competence and experience;
- 4.13 demonstrate that they have access to suitable transmission site(s) in the area that they propose to serve, and to relevant radio equipment;
- a) demonstrate an understanding of the appropriate costs to install and operate a trial limited coverage FM restricted radio service;
- 4.14 provide evidence that they will be able to broadcast radio services on the trial FM frequencies for a minimum of 4 hours each day on any 5 days a week for the duration of the trial; and
- 4.15 undertake to meet the installation and operating costs of the trial.
- 4.16 Applications that do not satisfy these minimum eligibility criteria will not be considered further for award of a trial licence. It is important that applicants provide full information in support of the eligibility criteria in the trial licence application as Ofcom will not be able to consider subsequent information provided after an incomplete application.
- 4.17 The BA 1990 and related legislation set out a number of rules on eligibility to hold a broadcasting licence. This means that some persons may be automatically disqualified from holding a licence (and therefore participating in the trial), and that Ofcom will need to be satisfied that each trial participant is a 'fit and proper' person.
- 4.18 The following are among those who are disqualified from holding a trial licence or from controlling a trial participant:
- 4.19 a local authority;

¹¹ The Broadcasting Act 1990 contains a number of restrictions regarding the holding of licences. Some persons, in particular, are 'disqualified' persons. Ofcom would also need to be happy that the applicant is a 'fit and proper' person.

- 4.20 a political body;
- 4.21 any company controlled by any of the above or by their officers or associates;
- 4.22 an advertising agency or any company controlled by such an agency or in which it holds more than a 5 per cent interest;
- 4.23 bodies exerting undue influence; and
- 4.24 the BBC and S4C.
- 4.25 There are no restrictions on other local media companies holding trial licences.
- 4.26 Further guidance on eligibility to hold a trial licence is provided in Ofcom's 'LRSL and ADRSL guidance notes'.¹²
- 4.27 All applicants must complete the concluding declaration of the application in full (section 12). This declaration must be true and accurate to the best of your knowledge at the time of application, and confirms the extent of involvement anyone in your group has with certain types of bodies.

Application process and documents

Submission of applications

- 4.28 The application documents can be found at: <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence/restricted-service-licence/limited-coverage-trial>.
- 4.29 Applicants must comply with all the requirements set out in this document and the application form. Failure to do so may render the application liable to disqualification.
- 4.30 One electronic copy of the completed application, along with the supporting documentation also in electronic format,¹³ must be submitted to Ofcom via email to limitedcoveragetrial@ofcom.org.uk, no later than 5pm on the closing date.
- 4.31 Applications received after this time will not normally be accepted. Applicants should bear in mind that email may be unreliable and are therefore strongly advised to submit applications at least 48 hours in advance of the deadline. Further, applicants should note that files over 35 MB may not be received and should plan their submissions accordingly. We will confirm receipt of applications by email reply.
- 4.32 If there is a difficulty with submitting applications electronically, applicants should contact limitedcoveragetrial@ofcom.org.uk or telephone 020 7981 3002 in good time before the above deadline to enquire about alternative ways of submitting their application.

¹² See, in particular, from paragraph 5.8 of https://www.ofcom.org.uk/data/assets/pdf_file/0031/197419/lrsl-adrs-l-notes-of-guidance.pdf

¹³ Word document or RTF files are acceptable. The application form must be received in an editable format.

- 4.33 Given the ongoing Covid-19 situation, please note that Ofcom colleagues are working from home in line with the Government's current guidance. We are therefore unable to monitor Ofcom's postbox for the purpose of applications relating to this trial.
- 4.34 Ofcom will only accept one application per applicant.

General guidance on completing the application form

- 4.35 This section sets out some general guidance for the completion of the application form. Separately, Ofcom has cross-referred in the application form to any more detailed guidance which is relevant to completing specific sections of the application form.
- 4.36 You should aim to keep your answers concise and to the point.
- 4.37 Some sections contain word limits and any information beyond the word limit will generally not be considered.
- 4.38 You should answer every question in the application form. Incomplete forms will not be considered.
- 4.39 Supporting documentation
- 4.40 The application form asks you to include with your application a number of supporting documents. In particular, you must include:
- 4.41 a week-by-week plan detailing how you intend to launch the trial radio service within 12 weeks of licence award;
- 4.42 evidence that you have access to your proposed transmission site (including photographs of your proposed transmission site) and agreement for its use from the site owner;
- 4.43 evidence that you have access to a building or room which can be used as the studio for your proposed radio service (where this is different from your proposed transmission site), and agreement for its use from the site owner; and
- 4.44 an itemised list of the costs you expect to incur in relation to the installation and operating costs of the trial radio service, and evidence of sufficient funds being in place to meet the costs of the trial service.
- 4.45 You should also provide an illustrative sketch of your proposed coverage area to aid clarity.
- 4.46 Please do not include any generic letters of support or any additional media, such as programme material, as part of your application, as we will not take these into account when assessing your application.
- 4.47 Please do not insert pictures into the application form. Any photographs should be separately attached to the email application.

Provision of information

- 4.48 All information provided in the application must be true and correct. If any amendments need to be made by an applicant due to circumstances outside its control, then Ofcom

should be informed immediately. No material amendments to the proposals provided in the application may be made by the applicant without the agreement of Ofcom. Ofcom will not agree to any such amendment which it considers would be unfair to any other applicant applying for a trial licence.

- 4.49 The application form includes a concluding declaration that you must sign confirming that the information in the application and in any supporting documents is true and correct on the date signed.
- 4.50 Submission of an application will be taken as evidence of willingness to accept a licence, if offered, on the terms indicated.
- 4.51 Any queries on the licence application process should be directed to limitedcoveragetrial@ofcom.org.uk, or should this mode of communication present a difficulty, by telephone on 020 7981 3002.

Licensing process

Licensing assessment and award

- 4.52 Ofcom will aim to assess applications and award licences as soon as practicable after the closing date for applications. The duration of this period is subject to the volume and complexity of applications.
- 4.53 Ofcom will assess applications based on the proposals presented in the completed application form. The form must therefore be completed in full and it cannot be amended or supplemented after submission without a specific request for further information from Ofcom. In the course of assessing applications, Ofcom may seek clarification and/or amplification of the information or proposals set out in an application. We may also require applicants to furnish such additional information in such form or verified in such manner as we may specify. This will be done through correspondence with the contact person named in the application. Applicants should respond to such requests within the time period specified by Ofcom.
- 4.54 As explained above, Ofcom will first assess licence applications by determining whether they meet the eligibility criteria set out above. Applications that do not satisfy these minimum criteria will not be considered further for award of a trial licence.
- 4.55 Once we have assessed which applicants meet the eligibility criteria, we will assess the frequency availability for the locations proposed by eligible applicants. If we are unable to find an available frequency for any of the applicants, we will inform those applicants of the outcome and will not consider their applications further.
- 4.56 If we receive more applications than we are able to provide licences for, we would then assess applications against the assessment criteria outlined below.

Assessment criteria

Extent to which an applicant's proposals meet the objectives of the trial

- 4.57 We will assess how well each applicant's proposals would meet the immediate objectives that we want to achieve from this trial, set out at paragraph 3.3 above.
- 4.58 In considering this, we would expect to take account of factors including (but not limited to) the geographic location of the proposed service and whether it would enable us, *when considered alongside other applications*, to test the use of limited coverage spectrum in a variety of 'real-world' situations (e.g. type of establishment, size of area to be covered, type of buildings, interference environment, etc.).
- 4.59 As explained at paragraph 3.6 above, this may mean that otherwise strong applications are not successful.

Readiness to establish the service

- 4.60 In demonstrating their ability to establish their proposed service, applicants must provide an outline schedule (by week) of how the service will be established within 12 weeks of licence award, including installation of the radio equipment and completion of any necessary works relating to this in order to meet the service commencement date at the transmitter location.
- 4.61 We will take into account any further information that applicants provide concerning their ability to establish the service such as evidence of past experience and access to people that have a reasonable level of technical competence.
- 4.62 As explained in paragraph 3.21 above, if an applicant fails to launch within 12 weeks, Ofcom may not grant (or, where relevant, withdraw) the licence award and re-award the licence to another eligible applicant.

Access to a suitable transmission site

- 4.63 Applicants should provide evidence that they have access to a suitable transmission site, which will enable them to broadcast the proposed FM trial service in the coverage area that they propose to serve. This includes, where relevant, the agreement of the property owner of that site and one or more photographs of the transmission site.
- 4.64 In considering this assessment criterion, we would also consider, amongst other things:
- 4.65 the likely ability of the proposed site to be able to serve the proposed coverage area;
- 4.66 the quality of the evidence provided by the applicant such as written evidence of agreements with the site owner and the likelihood of gaining early access; and
- 4.67 the likelihood of the proposed transmission site causing interference to other services.
- 4.68 We note that Ofcom may require a trial participant to cease transmission should there be evidence that the trial service is causing interference to other services.

Understanding of the installation and operating costs

- 4.69 Although we will provide the appropriate licences under the WTA 2006 and BA 1990 for trial participants to broadcast their trial FM radio service, we will not provide any support for the capital, installation and operating costs.
- 4.70 While we have attempted to provide guidance on the equipment and materials that licensees might need to provide in Section 3 above, actual costs to establish the trial services may vary depending on the equipment and sites used, and the extent of the coverage.
- 4.71 As part of the application, we ask applicants to provide a breakdown of costs that they anticipate incurring in relation to establishing the trial service and satisfying the technical requirements referred to from paragraph 3.29. Applicants' own assessment will give Ofcom assurance of whether they understand the level of the financial commitment involved in the trial. Applicants must give an undertaking that they will bear these costs for the duration of the trial period (see Section 12 of the application form).

Provision of FM radio services

- 4.72 Trial participants will be required to broadcast a restricted radio service on the FM frequency for a minimum of 4 hours per day on any 5 days a week. This will be reflected as a trial licence condition.
- 4.73 Applicants should therefore provide evidence that they will be able to provide this minimum level of broadcast service throughout the entirety of the trial period. This could, for example, be confirmation that the applicant is already operating a broadcasting service in the UK.
- 4.74 All things being equal, we will favour those services that are able to broadcast for longer periods in excess of the minimum requirement, as this will enable us to gather more evidence regarding the reliability of the limited coverage method.