
Invitation of applications for community radio licences in Northampton

APPLICATION WINDOW:

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1. Overview

Ofcom is inviting applications for prospective Community Radio services in the town of Northampton.

The current licence holder for the area is Inspiration FM (CR000184) and its licence expires on 23 July 2020. It failed to meet the statutory deadline to submit an application to extend the duration of its licence but has stated its desire to continue broadcasting.

This document invites applications for licences to provide community radio services in this area only. Any applications which seek to cover areas not centred on the town of Northampton will be rejected.

Ofcom is inviting applications for services operating on FM only. The frequency currently being utilised by Inspiration FM, 107.8 MHz, has been identified as being suitable to provide a service within the town of Northampton and we expect that it would be appropriate from any reasonable transmission site within the town. Applicants should therefore propose a transmission site within this area. We do not require applicants to precisely replicate the coverage area of Inspiration FM, but the proposed service must similarly be centred on the town of Northampton. Therefore, the area for which Ofcom is inviting applications is limited to a postcode coverage of approximately NN1 to NN7 inclusive (these postcodes cover the town of Northampton itself and some outlying areas for which Northampton is town in the postal address).

Upon receipt of applications, Ofcom will consider whether, based on the transmission details provided in an application, there is a more suitable frequency available than 107.8 MHz for the proposed service. If 107.8 MHz is considered the most optimum frequency for all proposed services, the process will be competitive, with applicants competing for the use of 107.8 MHz.

This being the case, prospective community radio operators should note that applications are made entirely at their own risk and Ofcom reserves the right to reject applications if the criteria above are not met. The application fee is non-refundable under these circumstances.

It is important to state that Ofcom do not plan to invite applications for community radio services in other areas. This is an exceptional circumstance, noting that a suitable existing frequency is available and is currently being used for community radio in Northampton. In the absence of re-advertisement, the frequency would be unused for a potentially extended period after 23 July 2020 with the loss of a viable existing service which has expressed a willingness and ability to continue should its application be successful.

We have explained the importance of selecting an appropriate transmission site, provide details of the funding restrictions which apply to community radio services, and set out how we will assess applications.

The closing date for receipt of applications is **3pm on Monday 13 July 2020**. The application window is eight weeks, as opposed to the normal 12-week window. We are setting a reduced window because we are keen to minimise any break in service at a time when, due to the Coronavirus, listeners are particularly reliant on community radio for the provision of local news and information. If the current licensee's application was successful, there would not need to be a break in service after 23 July 2020 and, if another applicant was successful, the reduced application period would potentially reduce any break in the radio service for the Northampton community.

We consider, in this case, that eight weeks is sufficient for interested parties to complete their application, noting that we are advertising one limited geographic area which reduces the issues that need to be considered by applicants.

2. Introduction

- 2.1 Ofcom, in accordance with section 104(1) of the Broadcasting Act 1990 (“the 1990 Act”) (as amended by the Communications Act 2003 as modified by the Community Radio Order 2004, as itself amended by the Community Radio (Amendment) Orders 2010 and 2015), invites applications for licences to provide community radio services in the town of Northampton.
- 2.2 We are inviting applications for licences for the provision of service on the FM (VHF) waveband, specifically 107.8 MHz, for an initial maximum period of five years from the commencement of broadcasting.
- 2.3 We will not accept applications in relation to any areas or localities in the United Kingdom outside the town of Northampton.
- 2.4 The closing date for the receipt of completed applications will be **3pm on Monday 13 July 2020**. A non-refundable fee of £600 will be payable for each application submitted.

3. Frequency availability and transmission arrangements

Frequency availability

- 3.1 We will accept applications for services proposing to operate on FM only. We have identified 107.8 MHz (the frequency currently used by Inspiration FM) as likely to be suitable for a service centred on the town of Northampton, although applications will first be assessed to ensure that this frequency is appropriate, and may consider an alternative frequency if another is available and more appropriate. Only those applications for which a suitable frequency has been identified will be further considered against the statutory criteria.
- 3.2 Applicants may wish to consider seeking expert frequency planning advice. It should be noted that a live frequency scan does not guarantee that a coverage area can be achieved in the face of incoming interference, nor does it take into account whether a service would cause interference elsewhere to other services on air. Please note, if the chosen transmission site is not appropriate for the proposed service area, or neither 107.8 MHz nor an alternative available FM frequency would be suitable to support the service, the application will be rejected and we will not take the application forward for consideration against the selection criteria set out in the legislation. **The application fee is non-refundable under these circumstances.**
- 3.3 Until transmission details are provided within an application, we are unable to confirm whether 107.8 MHz (or an available alternative) would provide adequate coverage for each applicant's proposals. Ofcom will complete analysis to confirm whether there is a more suitable frequency based on an applicants' transmission details. If Ofcom determine that 107.8 MHz is the most suitable frequency for all proposed services, we will not seek to identify other frequencies noting that spectrum availability is constrained in the Northampton area. This will render the process competitive, with applicants competing for the use of 107.8 MHz.

Transmission arrangements

- 3.4 In the application form (section 25) we require applicants to provide details of the transmission site they intend to use, and (in section 3) a description of the geographical area intended to be served from this site. It is our usual policy to license community radio services utilising only one transmission site; all applications should therefore be based on the use of a single site only. Any information about further transmission sites will not be considered at this stage.
- 3.5 On receipt of an application, we will use the proposed transmission site to check whether the identified frequency is suitable for the proposed service and whether the proposed service area can be adequately served from the chosen site. **Applicants should therefore note the importance of identifying a transmission site that is suitable for the area they wish to serve** (see guidance on choosing a transmission site in paragraph 2.11 below).
- 3.6 We will use our standard community radio planning criteria to ascertain whether a proposed site is capable of delivering the required coverage. We will be looking to see if, at a power level of 25 watts erp (per plane), a service of around a 5km radius at 54 dB microV/m, is achievable from the transmission site identified in the application, and that this area is what the applicant has described in section 3 of the application as the proposed coverage area for the service. (Please

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note that this does not necessarily mean, should a licence be awarded, that the power will be limited to 25 watts per plane and a 5km radius, but this is the power generally used for initial coverage assessment.)

- 3.7 If we conclude that an applicant's chosen transmission site is suitable to deliver the proposed coverage, we will then determine whether there is a more suitable FM frequency other than 107.8 MHz for the proposed service area from that site. Our frequency planning will be based on internationally agreed frequency planning approaches. For further details, please refer to Ofcom's [analogue radio coverage policy](#), which is on our website.
- 3.8 Whilst in this case we consider 107.8 MHz likely to continue to be appropriate for coverage centred on Northampton, applications may be rejected at this stage of the process. In other words, if the chosen transmission site is not appropriate for the proposed service area, or neither 107.8MHz nor an alternative FM frequency is appropriate to support the service, the application will be rejected and we will not take the application forward for consideration against the selection criteria set out in the legislation. **The application fee is non-refundable under these circumstances**, so we strongly recommend that applicants seek expert frequency planning advice and take particular care when selecting their transmission site.
- 3.9 Typically, Ofcom will award a coverage radius to around 5km for a community station and an effective radiated power (e.r.p.) of 25 watts in the vertical plane. This may typically be supplemented by an additional 25 watts in the horizontal plane, if required by the applicant and if local circumstances permit. We will consider applications for wider areas where applicants can demonstrate that the proposed coverage area will better serve the target community, and where such wider coverage is technically feasible. We would advise applicants to be realistic with their declared coverage aspiration. If you ask for too wide a coverage area that extends beyond your target community or is technically unachievable, then there is a risk that Ofcom may need to reject the application if the proposed transmitter site cannot realise the declared coverage aspiration, for example.
- 3.10 We are not able to enter into correspondence about transmission arrangements. The only exception to this is if we need to seek clarification from you about your transmission arrangements. However, if we reject an application, we will provide feedback to each applicant on our decision, including a predicted coverage map and a frequency availability assessment (from the frequency planning study), if appropriate.
- 3.11 It should be clear from the above that transmission site selection is important. Furthermore, a licence award will be made on the basis of the transmission site included in the application (and on which the assessment of coverage suitability and frequency availability will have been based). Therefore, Ofcom is unlikely to agree to any request to change a transmission site once a licence has been awarded, unless the change is as a result of circumstances beyond the prospective licensee's control.
- 3.12 **Ofcom cannot guarantee the availability of suitable frequency resources to meet the needs of any applicant group. This being the case, prospective community radio operators should note that applications are made entirely at their own risk.**

Guidance on choosing an FM transmission site

3.13 We advise applicants to seek professional technical advice on transmission issues, including where to site the transmitter. However, here are some general points you will need to consider for FM transmitters:

- 'Height is might'; as a general rule, the higher the transmitter is in relation to the desired coverage area, the better in terms of likely coverage (if your antenna is surrounded by taller buildings, coverage will be adversely affected).
- In simple terms FM coverage is usually by 'line of sight' - What you see from where the antenna is planned is what you are likely to cover (although incoming interference and other factors may affect the signal too).
- Is the site secure? Would access be difficult?
- Will it be cost effective and affordable over the duration of the licence? Is planning permission required? Listed buildings can be particularly problematic.
- What would be required for the transmitter to be linked to the studio site?
- Are there health and safety implications?
- Is there an available electricity supply?
- How easy would it be to install the antenna and equipment, and would there be prohibitive cost implications?
- Are there other users or local residents to be borne in mind?

4. Funding rules

The restrictions on income from on-air commercial revenues

- 4.1 In March 2015, the Community Radio (Amendment) Order 2015 changed the funding rules for community radio services. In summary:
- every station is allowed a ‘fixed revenue allowance’ of £15,000 per financial year from paid for on-air advertising and sponsorship;
 - in addition, some stations are also allowed to obtain up to 50% of their total relevant income per financial year (i.e. disregarding the ‘fixed revenue allowance’) from paid-for on-air advertising and sponsorship.
- 4.2 In deciding to whom (and on what terms) to grant a community radio licence, Ofcom must have regard to a number of matters set out in legislation, including the need to ensure that any service provided under that licence does not prejudice unduly the economic viability of any other local service¹ (by virtue of section 105 of the 1990 Act, as modified by the Community Radio Order 2004 and further modified by the Community Radio (Amendment) Orders 2010 and 2015).
- 4.3 Without prejudice to the generality of this economic impact requirement, Ofcom is required to impose conditions in community radio licences to secure the following statutory requirements:
- each community radio station may obtain up to £15,000 per financial year from the sale of on-air advertising and sponsorship. This is known as the ‘fixed revenue allowance’;
 - a community radio station whose coverage overlaps with that of a small local commercial radio service (defined as one whose MCA² population is 150,000 adults (aged 15+) or fewer) may not obtain any income from the sale of on-air advertising and sponsorship over and above the fixed revenue allowance. However, if the small local commercial radio service’s Format allows it to provide its locally-made programmes from a location outside its own licensed area, this restriction does not apply (and the applicable requirements are those set out below);
 - a community radio station whose coverage – (i) overlaps with that of any other local commercial radio service (defined as those with an MCA population of 150,000 adults or more); (ii) does not overlap with that of a local commercial radio service at all; or (iii) overlaps with a small local commercial radio service whose Format allows it to provide its locally-made programmes from a location outside its licensed area – may obtain up to 50% of its income over and above the fixed revenue allowance from the sale of on-air advertising and sponsorship.
- 4.4 For the avoidance of doubt, programme sponsorship includes station or channel sponsorship, and commercial communications.
- 4.5 There are no local commercial radio services with a measured coverage area which contains a population of 150,000 adults (aged 15+) or fewer, and whose licences have not at any time been varied pursuant to section 106(1A)(e) BA 1990 (i.e. their Format does not include a studio co-

¹ For the purpose of this economic impact assessment, this concept refers to local services other than community radio services.

² Measured Coverage Area – the area covered by a local commercial radio service, as defined by the area within which signals of a specified strength are received.

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location agreement) in Northampton. You can check whether the area you want to broadcast to falls within the Measured Coverage Area of any of these services by looking at the [commercial radio coverage maps](#) on our website.

- 4.6 Applicants should also note that the obligation upon Ofcom to include conditions in community radio licences to limit on-air paid-for advertising and sponsorship of programmes to just a fixed revenue allowance in certain circumstances is a continuing obligation. Should the circumstances in relation to a particular community radio service change (such as the size of the population in an overlapping commercial radio station's measured coverage area), the applicable funding conditions in the relevant community radio licences may need to be changed.
- 4.7 There are currently no planned launches of new small-scale local commercial analogue radio services in Northampton. Ofcom nonetheless reserves the right to advertise licences for such services in the future, if we consider it appropriate to do so (and applicants should note that any community radio licences awarded as a result of this invitation to apply will be awarded on the basis that conditions relating to funding restrictions may need to be changed in future).
- 4.8 These restrictions are additional to other rules that apply to community radio services. More information is contained in the notes of guidance, and statement of general information Ofcom has produced for applicants (see section 5 of this document).

5. Assessment of applications

- 5.1 The assessment of an application for a community radio licence will be based primarily on the proposals presented in the completed application. In the course of assessing an application, Ofcom may seek clarification and or/amplification of proposals from an applicant.
- 5.2 Our objective in this case is to consider all applications within two weeks following the application deadline to try and prevent any break in service for listeners within Northampton, although this is subject to, among other things, the number of applications submitted.
- 5.3 As detailed in section 2, we will check whether an applicant's desired coverage is achievable from its proposed transmission site, and whether either 107.8 Mhz or an alternative FM frequency is suitable to meet the desired coverage. If the site is not appropriate for the proposed service area or neither 107.8 Mhz nor another available suitable FM frequency could support the service, the application will be rejected at this stage.
- 5.4 We will then assess those applications which are suitable with regards to the frequency identified and an appropriate transmission site. In determining the most suitable applicant for the award of a community radio licence, Ofcom is obliged to have regard to the special requirements set out in Section 105(1) of the Broadcasting Act 1990 (as amended by the Communications Act 2003 and modified by the Community Radio Order 2004). These seven 'selection criteria' are detailed in our ['Notes of guidance for community radio licence applicants and licensees'](#).
- 5.5 All applications will be assessed in relation to each of the selection criteria in Section 105(1), as well as the community radio 'characteristics of service' and other statutory requirements. These are all detailed in our ['Notes of guidance for community radio licence applicants and licensees'](#).
- 5.6 Applicants should note that following the Ofcom consultation: ['Review of the approach to community radio key commitments'](#) we decided to streamline and simplify community radio Key Commitments. As a result, the draft key commitments section of the application form was revised in March 2016 to reflect this.
- 5.7 Applicants may also find it useful to read ['10 years of community radio licensing: Advice for licence applicants'](#).

6. Guidelines and procedures for submission of applications

- 6.1 The application form and other relevant documentation for applicants is on the Ofcom website: <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/apply-for-a-radio-broadcast-licence>. It comprises:
- an application form (please ensure you complete and submit an up-to-date copy of the form, i.e. published in December 2018);
 - ‘Notes of guidance for community radio licence applicants and licensees’ (an updated version was published in May 2017).
- 6.2 If you have any queries, please contact us by email at broadcast.licensing@ofcom.org.uk.
- 6.3 The completed application form should be submitted by email, in either Word (.doc) or RTF format, to broadcast.licensing@ofcom.org.uk. We do not require a paper copy of the completed document (although if any of the permissible supporting documentation is only available as paper copies, these should be sent to the address given in 5.2 above). Given the current lockdown restrictions, we are unable to accept paper-based applications.
- 6.4 One electronic copy of a completed application form, and any permissible supporting documentation, must be received by Ofcom no later than the closing-date specified in Section 1 of this Notice. Applications received after the specified date will not normally be accepted. Applicants will receive an auto-reply from the mailbox above, acknowledging receipt of the application. If no auto-reply is received, the applicant should contact Ofcom immediately and ask to speak to a member of the Broadcast Licensing team to check that the submission has been received.
- 6.5 In connection with the electronic submission of documents, applicants should be aware that email is not an instant means of communication, especially when there are large attachments. If you have a number of large documents to submit, you may need to send them by separate emails (or as compressed files – there is a limit of 10 megabytes for attachments sent to the above email address). Applicants are strongly advised to submit email applications at least 48 hours in advance of the closing date, so that urgent steps can be taken by the applicant if no acknowledgement from Ofcom is received.
- 6.6 No material amendments to the application may be made by the applicant after the closing date without the agreement of Ofcom. If any amendments need to be made by any applicant through circumstances outside its control, then Ofcom should be informed immediately. Ofcom will not agree to any such amendment which it considers would be unfair to any other applicant applying for a community radio licence in that round.
- 6.7 Payment of the application fee must also be received by the closing-date specified in Section 1 of this Notice. Applicants may submit their payment by any of the following methods:

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- 6.8 Payment by BACS into the Ofcom bank account (sort code: 30-97-90, account number: 00782415, account name: Ofcom). Please note that any payments made using this method will take at least three working days to reach the Ofcom account. In the mandate reference field of your payment, please write 'CR' followed by the applicant's company name or proposed station name.
- 6.9 Payment by CHAPS into the Ofcom bank account (details as above). Please note that although this is a 'same day' payment method, applicants intending to submit their payment on the closing-date itself should confirm with their bank the deadline for ensuring that it is received by Ofcom on that date. In the mandate reference field of your payment, please write 'CR' followed by the applicant's company name or proposed station name.
- 6.10 Payment by cheque. Cheques must be made payable to 'Ofcom', and posted to the address given in 5.2 above. If an applicant wishes to submit a cheque without an accompanying paper copy of the application, the cheque must be accompanied by a note detailing the applicant's company name or proposed station name. Any cheques must be sent to Ofcom in such time that Ofcom will be in possession of cleared funds by the application closing date. Applicants should note that this is Ofcom's least preferred method of payment. With current lockdown restrictions in place, the majority of Ofcom colleagues are working from home and will not be able to process a cheque payment. This will subsequently slow the process down and could prevent Ofcom from awarding a licence to successful applicants in a timely manner.
- 6.11 Failure to comply with any of the above guidelines is likely to result in the disqualification of the application.