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# Community Digital Sound Programme (C-DSP) licences

Guidance notes for applicants and licensees

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**GUIDANCE NOTES:**

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# 1. Overview

These notes are intended to help applicants for community digital sound programme licences understand the licensing process, and to help new licensees understand their licence conditions and associated obligations. The guidance notes should not be relied upon as legal advice, nor be understood as modifying the effect of the statutory requirements or the conditions of the licence.

Applicants should seek their own legal advice on the licensing process and requirements, and when making their own independent assessment on the information that should be included in their application.

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These guidance notes may be updated from time to time. Licensees should check Ofcom's website to make sure they are using the most recent version. Ofcom may alter or correct any part of this document. Licensees should also be aware that certain key features such as fees, procedures and content codes, may also change in the future.

## 2. Before you apply for a C-DSP licence

This section contains important information that you should take account of before submitting your application for a C-DSP licence, including about the application procedure.

### What is a C-DSP licence?

- 2.1 Community Digital Sound Programme (C-DSP) licences are for community radio stations wishing to broadcast on DAB digital radio. They were introduced in 2020 primarily with broadcast via small-scale radio multiplex services in mind, although they also allow for broadcast on local radio multiplex services. These could be existing analogue community radio services wishing to make themselves available to local people on DAB digital radio as well as analogue, or brand new services wanting to broadcast on DAB only.
- 2.2 Community radio services are not run for financial gain. Instead, they exist primarily for the good of members of the public or particular target communities and in order to deliver social gain. They do so by facilitating discussion and expression of opinion, providing education and training (beyond simply training of their own employees), and strengthening understanding of and links within the target community. They give that community the opportunity to participate in the operation and management of the service, and those running them make themselves accountable to the community.
- 2.3 To reinforce the point that they are not run for financial gain, C-DSP licences can only be held by a body corporate that is not profit distributing. They remain in force for an indefinite period (i.e. until they are surrendered by the licensee or revoked by Ofcom). More information about ownership of a C-DSP licence can be found in Section 3 of these guidance notes.
- 2.4 Like analogue community radio stations, the delivery of “social gain” to the community or communities that a C-DSP licensee has been licensed to serve will be secured through licence conditions. C-DSP licences have similar restrictions as currently apply to holders of analogue community radio licences relating to how much income they may obtain from the sale of on-air advertising and sponsorship. A C-DSP service must also be broadcast from a studio located within the licence area of the small-scale radio multiplex service on which that C-DSP service is being provided.
- 2.5 The above conditions mean that C-DSP licences are not always the best option for services wishing to be carried on small-scale radio multiplex services. A local DSP licence also enables broadcast on such multiplexes, and provides more flexibility if a broadcaster does not wish to be held to specific social gain conditions, or aims to operate from a studio outside the multiplex coverage area, or for profit. On the other hand, all small-scale radio multiplex services will have some multiplex capacity which is available *only* to C-DSP licensees (improving access and potentially reducing transmission costs for such stations),

and C-DSP licensees are currently able to apply for grants for community radio<sup>1</sup>. Applicants should therefore think carefully about what licence is most appropriate for them.

- 2.6 A C-DSP licence will only enable a service to be broadcast on *one* small-scale radio multiplex service. However, a single corporate entity is permitted to operate several C-DSP services each with different C-DSP licences. Importantly, though, each C-DSP will have separate commitments on social gain, relating to the specific area served. Again, applicants wishing to operate via more than one multiplex need to consider carefully which licence is right for them:
- a) A C-DSP simply wishing to *extend* coverage area but without extending social gain to a new locality with an additional studio etc. is likely to require a C-DSP licence for its “home” area but a standard DSP licence for the second and subsequent areas.
  - b) A C-DSP wishing to *replicate* the format of a successful service in other locations, with further studio facilities and providing new opportunities for the community to get involved in each new location may be eligible for multiple C-DSP licences.
- 2.7 Unlike analogue community radio licences, C-DSP licences will allow – but not require – a service to broadcast. This is because a licence does not give access to spectrum and instead the licensee needs to agree carriage with the multiplex operator. For this reason, social gain conditions will only apply when the service is in fact being carried by a multiplex operator. There is no limitation on the number of C-DSP services licensed in any one locality and this could exceed available multiplex capacity. It is therefore advisable for potential C-DSP providers to speak with multiplex operators (or multiplex licence applicants where relevant) about the availability and price of capacity prior to applying to Ofcom. The issue of a C-DSP licence comes with no guarantee that a licensee will obtain carriage.
- 2.8 A C-DSP licence will also cover any technical services which are involved in the encryption/decryption of the sound programme service (such as for ‘pay’ radio services).
- a) Ancillary services include data services directly related to the sound programme service, such as accompanying text and graphics including, for example, details of the music being played, the background to an interview or a weather map. Ancillary material should be broadly concurrent with the audio from the relevant C-DSP service.
  - b) Ancillary services may not include advertising but may include sponsorship within the terms of the current codes. For all regulatory purposes Ofcom will treat the C-DSP licensee as the responsible licensee for all (non-commercial) material provided on the multiplex which relates to that licensee’s programme service or to which the programme service refers. This is regardless of any arrangements, contractual or otherwise, which the C-DSP service or the multiplex licensee may have with third parties for the provision of that material.

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<sup>1</sup> From the Government’s Community Radio Fund, which is administered by Ofcom.

## Contracting with a multiplex operator

- 2.9 Unlike the licences for analogue community radio stations, C-DSP licences do not have any spectrum attached to them. As noted above, in order to broadcast C-DSP licence holders will need to agree carriage with a multiplex operator to use capacity on a radio multiplex service (normally a small-scale multiplex, although licences are also valid for carriage on a local multiplex).
- 2.10 Small-scale multiplexes are required to ring-fence some capacity for use *only* by C-DSP licensees ('reserved capacity') although C-DSP licensees are not prevented from accessing unreserved capacity (e.g. if there is insufficient reserved capacity remaining to accommodate the service). Therefore, C-DSP licensees can agree with the multiplex operator to access *any* capacity, whereas DSP licensees are restricted to unreserved capacity and cannot access reserved capacity.
- 2.11 The amount of reserved capacity on each small-scale radio multiplex is set out in the licence for each multiplex, and in the licence advertisement prior to award.
- 2.12 The coverage achieved by a C-DSP service will be the coverage of the small-scale radio multiplex service it is carried on.
- 2.13 C-DSP licensees need to agree with the multiplex licensee the technical arrangements for delivering their programme service to the multiplex. These arrangements will typically include how and where the C-DSP programme service will be provided to the multiplex operator, and the technical format in which it is to be delivered. The C-DSP licensee must make its own arrangements for the delivery of the service.
- 2.14 Programme audio can be sent between different points via one of a variety of methods, such as a leased land-line, Internet Protocol (IP) connection or radio link. If you decide to use a radio link, this will normally require a separate Wireless Telegraphy Act licence. Applications and enquiries about radio link licences should be made to Ofcom by emailing [pmse@ofcom.org.uk](mailto:pmse@ofcom.org.uk).
- 2.15 Multiplex licensees are not allowed to prevent those C-DSP licensees contracted by them from 'sub-letting' the capacity to which the relevant agreement relates, including sub-letting to a DSP licensee. The multiplex licensee, however, may impose reasonable conditions to ensure the technical quality of the broadcasts and to secure compliance with any other condition in their own multiplex licence. This includes the requirement to reserve capacity for C-DSP services (a C-DSP licensee that has sub-let their capacity to a DSP licensee does not count towards the reserved capacity requirements).

## Submitting a valid application

- 2.16 A prospective C-DSP service provider will be able to apply for a C-DSP licence once we have invited applications for the licence for the small-scale radio multiplex service upon which their proposed C-DSP service is intended to be provided. This is only an option, not a requirement, and applications for C-DSP services will be accepted indefinitely once

applications have opened for each area (unless it becomes clear we will be unable to award a multiplex licence in an advertised area, in which case we would close for applications in the interests of applicants as there would be no immediate prospect of a multiplex coming on air). Any applications made too early (i.e. before we have advertised the multiplex licence) will be rejected.

- 2.17 **Please read these guidance notes carefully before applying.** Section 4 sets out detailed instructions on how to complete the application form. These guidance notes also contain important information that applicants and licensees need to know, so should be read in full.
- 2.18 These guidance notes and the application form may be revised from time to time. Applicants should check the Ofcom website prior to submitting their application to ensure that they have read and completed the current version of these documents.
- 2.19 Applications may be submitted in Welsh. Any application submitted in Welsh will be treated no less favourably than an application submitted in English.
- 2.20 If you still have a query, you can contact Ofcom by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)). We cannot provide legal advice or pre-approve applications but can answer general questions.
- 2.21 You must answer all questions in the application form and respond “N/A” to any questions that do not apply to the applicant. Please answer all questions as fully as possible, expand boxes or use extra sheets if required, and, if necessary, send copies of other documents to illustrate an answer. You must also provide the supporting documentation listed in these guidance notes (and in Section 7 of the form).
- 2.22 We request that applicants download the current editable version of the application form from our website and complete it on a computer. Ofcom will accept handwritten application forms but they must be filled in using block capitals and black ink. **Ofcom will reject applications made using an old version of the form and any application forms that are illegible.**
- 2.23 **Ofcom will reject applications that do not meet the following criteria:**
- a) The declaration in Section 8 of the application form must be signed and dated.
  - b) The person who signs and makes the declaration on behalf of the applicant must be:
    - i) a director of the company or the company secretary (where the applicant is a company); or
    - ii) a designated member (where the applicant is a Limited Liability Partnership).
  - c) All supporting documents, as requested in the checklist at Section 7 of the application form, must be supplied in legible form and translated into English or Welsh where applicable.<sup>2</sup>

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<sup>2</sup> Applicants submitting documents in Welsh are not required to provide a translation into English.

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

## Supporting documentation

- 2.25 You must provide a range of supporting documentation when submitting the application form. Please refer to the checklist in Section 7 of the application form before submitting your application. Please note that failure to supply the necessary documents will delay your application.
- 2.26 Body corporates applying for a licence must provide:
- a) A copy of the Memorandum and Articles of Association (or, if a body corporate without such, the nearest equivalent, along with a translation if it is not in English or Welsh), together with copies of any resolution amending or updating them.
  - b) A copy of the last Confirmation Statement. If the entity is recently established and has not been required to make that return, a copy of all filings made to Companies House since incorporation must be provided.
  - c) A copy of the most recent accounts of the applicant (not applicable to recently established entities).
  - d) An organisational chart showing the ownership structure of the applicant body.
- 2.27 Please note, if the applicant's **current** Memorandum and Articles of Association, last Confirmation Statement, or most recent accounts are available on the Companies House website, this can be stated in question 2.4 of Part A of the application form and the documents do not need to be submitted with the application.

## How to submit the form

- 2.28 We prefer application forms and required supporting documents to be submitted by email to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk). Handwritten applications required supporting documents should be scanned and attached to the email.
- 2.29 Please note that Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit, please send your supporting documents in a separate email, or emails, clearly indicating the applicant's name in the subject line of the email.
- 2.30 You should receive an auto-response from [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk) confirming that your email has been received by Ofcom. If you do not receive a response, it is likely

your application has not been received and you should contact Ofcom's Contact Centre on 0300 123 3333 and ask for the Broadcast Licensing team who will be able to confirm if your application was received.

- 2.31 If there is a compelling reason why the applicant cannot submit the application form and/or the supporting documentation by email, the applicant must contact Ofcom in advance to discuss this. In such cases please call Ofcom's Contact Centre on 0300 123 3333 and ask for the Broadcast Licensing team, or email [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk). If permission is given, the applicant must write "C-DSP application" on the envelope.
- 2.32 Those applicants who submit their application by post will be sent an acknowledgement by post within five working days.
- 2.33 Submission of an application will be taken as evidence that the applicant body is willing to accept a licence if one is granted, on the terms set out in these guidance notes and in the standard form licence for a C-DSP.

## Fees

- 2.34 Fees are reviewed by Ofcom annually, and applicants should consult the Ofcom website for the most up-to-date fees. Our [tariff tables](#) are published no later than 31 March each year.
- 2.35 The application must be accompanied by the application fee. Applications will not be assessed until the fee has been received in Ofcom's bank account. The current application fee is £250 per application. This payment is non-refundable.
- 2.36 Each C-DSP licensee is required to pay an annual fee to Ofcom, as a condition of its C-DSP licence. The annual fee for a C-DSP licence is currently £100. This fee is payable at the point of application and then payable each year on the anniversary of the licence award date. The payment of licence fees does not guarantee or indicate the success of the application. In the event that the application is unsuccessful the annual licence fee of £100 will be refunded.
- 2.37 The annual licence fee will be payable while the C-DSP licence is in issue, regardless of whether a service is actually being broadcast.

## Methods of payment

- 2.38 Ofcom requests that applicants pay the application fee by bank transfer (BACS/CHAPS) and that immediately after the applicant has instructed their bank to make the payment, confirmation of payment is emailed to [ofcom.remittances@ofcom.org.uk](mailto:ofcom.remittances@ofcom.org.uk) and copied to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).
- 2.39 To ensure that Ofcom can identify the payment, it must include a payment reference which is the applicant's postcode followed by the name of the company or LLP that has applied for the licence (or as much of the name as is possible to provide within the character limit set by the bank) as provided in response to question 2.5 of Part A of the application form.
- 2.40 The bank details to be used to pay the application fee are:

Account Name: Office of Communications

Bank details: Lloyds, 69-73 Borough High Street, London SE1 1NQ

Account number: 00782415

Sort code: 30-97-90

BIC: LOYDGB21351

IBAN: GB05 LOYD 3097 9000 7824 15

SWIFT: LOYD GB 2L

2.41 If the applicant is unable to make the payment by bank transfer, a cheque should be made out to 'Ofcom' and sent in the post to Ofcom Broadcast Licensing team, Riverside House, 2a Southwark Bridge Road, London, SE1 9HA. You must state the name of the applicant company, as provided in response to question 2.5 of Part A, and proposed service name on the back of the cheque.

2.42 If an applicant is paying the fee by cheque, the cheque must be received within five days of the application being received by Ofcom or the application will be rejected. If an applicant's cheque bounces, the application will be rejected.

2.43 Once you are a licence holder, there are four methods of paying your fees. These are set out below.

a) **Paying online:** For existing licensees, we offer the facility to pay for your annual licence fees online by credit or debit card through our [online payment portal](#). We accept all major credit/debit card types against any invoice with a value of up to £5,000. To use our online payment service, you will need your Customer Reference Number and Invoice Number, which can be found on your invoice.

We know that security is an important concern for our customers when it comes to making online payments, therefore Ofcom works with Sage Pay, who holds a PCI DSS Certificate of Compliance for security, to ensure the protection of card details.

b) **Paying by BACS transfer:** Annual licence fees can be paid directly by BACS transfer using your Invoice Number as a reference. Confirmation of payment, including your Customer Reference Number and Invoice Number, should be emailed to [ofcom.remittances@ofcom.org.uk](mailto:ofcom.remittances@ofcom.org.uk) and copied to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk). The payment details for paying via BACS transfer are as above.

c) **Paying by Direct Debit:** If you wish to pay your annual licence fee by direct debit, [please submit a direct debit mandate form](#).

d) **Paying by Cheque:** Please make your cheque payable to Ofcom, quoting your Invoice Number on the reverse. Confirmation of payment, including your Customer Reference Number and Invoice Number, should be emailed to [ofcom.remittances@ofcom.org.uk](mailto:ofcom.remittances@ofcom.org.uk) and copied to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).

## Assessment of applications and licence awards

### Timescales for assessing applications

- 2.44 The assessment of applications will commence 1 month after publication to take into account any representations received and will be assessed on a first come, first served basis.
- 2.45 As a guideline, our aim is to issue a licence within 3 months of an application. This may vary depending on the individual circumstances of each case (for example, if clarifications on specific responses are required).
- 2.46 During peak periods it may take longer for us to assess applications. The timeframe also assumes that full and accurate information has been provided by the applicant in the application form and accompanying documentation. Applications will not be assessed until all the requested information has been submitted.
- 2.47 Applications for which potential issues arise relating to ownership restrictions and eligibility requirements may take longer to assess. Applicants with religious objects are also advised to allow longer for the assessment and consideration of their application by Ofcom, in the light of the [guidance for religious bodies applying for a Broadcasting Act licence](#).
- 2.48 Ofcom has a duty to ensure that it does not license bodies with objects which are of a wholly or mainly political nature. If questions arise on this issue, an application may take significantly longer than usual for Ofcom to consider.
- 2.49 To be able fully to consider an application, we may need to request further information or clarification from the applicant. If we do not receive a response to a request for further information within one month, we will consider the application to have lapsed. We will not refund the application fee.

### Grant and award of C-DSP licences

- 2.50 The grant process for C-DSP licences will not involve a competition between applicants, but Ofcom must still have regard to certain matters when deciding whether or not to grant a C-DSP licence. In particular, for every C-DSP licence application we will need to assess whether the applicant's proposals meet the necessary characteristics of a C-DSP service as set out in the Small-scale Radio Multiplex and Community Digital Radio Order 2019.
- 2.51 Section 3 of Part A of the application form is the applicants' opportunity to demonstrate that they fulfil the statutory criteria and is the basis upon which decisions are made. C-DSP applicants should use Section 3 of Part A of the application form to demonstrate their ability to fulfil the statutory criteria of providing social gain for the target community of the proposed service. This is to be achieved through facilitating discussion and expression of opinion, providing education and training (beyond simply training of their own employees), and strengthening understanding of and links within the target community, to whom the service will be accountable. Further, Section 3 of Part A of the application form will require

the applicant to demonstrate how they intend to allow members of the community to participate in the service, and how the service is accountable for the community it intends to serve.

- 2.52 It should not be assumed that Ofcom will grant a C-DSP licence to every person who applies for one. Licences give access to reserved capacity on small-scale radio multiplex services, and it is important that services operating under C-DSP licences generate the required social gain to justify that status. As previously noted, local DSP licences are available to those who do not wish to be bound by licence conditions regarding social gain, and such licensees can negotiate access to unreserved (but not reserved) small-scale radio multiplex capacity with multiplex operators.
- 2.53 Unlike the case with many licences awarded by a competitive process, such as analogue community radio licences, the statutory framework for licensing C-DSP services does not place on Ofcom a requirement to assess the ability of an applicant to maintain its proposed service. This is principally because C-DSP licences will allow – but not require – a service to broadcast.

## Provision of information

- 2.54 Ofcom requires complete and accurate information to assess applications. This is so that we can assess your application against statutory criteria, consider whether those involved in the body applying for a licence are ‘fit and proper’ to hold a licence, and determine whether their involvement with other organisations disqualifies them from participation in a licence.
- 2.55 It is an offence under the Broadcasting Act 1996 (as amended) to provide false information or withhold relevant information during the application process, and may be grounds for revocation of a licence subsequently granted.
- 2.56 If any amendments need to be made to the information provided in the application form, Ofcom should be informed immediately. Provision of new information may impact the time it takes for Ofcom to consider your application.

## Publication of information about applications and licensed services

- 2.57 The application form is in two parts: Part A contains non-confidential information and Part B contains confidential information. Part A will be published on Ofcom’s website at <https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/small-scale-DAB-licensing/> the month after receipt, usually on the first Tuesday of every month. This may take longer, particularly if the application is received late in the preceding month or insufficient contact information is provided in Part A of the form. Ofcom will take into account any comments received from the public, which can be made to it with respect to the applications submitted.
- 2.58 In submitting an application you agree that, should a licence be granted, Ofcom may publish contact details for the licensee (specified in Section 2 of Part B of the application

form), which may include personal data, on the Ofcom website and/or in other relevant publications. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)).

- 2.59 Ofcom considers issued C-DSP licences to be public documents and copies of licences will be made available to third parties on request. The Key Commitments of the licensed service, which form part of the licence, will be published on the Ofcom website.
- 2.60 Ofcom publishes a [monthly radio licensing update](#) which lists new services licensed, new applications received, licences revoked, licence transfers, and changes to the name or nature of the licensed service during the past month.

## Copyright

- 2.61 Each licensee will need to enter into agreements with the copyright licensing bodies before commencing broadcasting. These are [PPL](#) and [PRS for Music](#).

## Data protection

- 2.62 We require the information requested in the application form and information requested following the award of a licence in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's [General Privacy Statement](#) for further information about how Ofcom handles your personal information and your corresponding rights.

## Keeping up to date with broadcasting matters

- 2.63 We strongly recommend that the appropriate person at the applicant body signs up to receive Ofcom's regular email updates on broadcasting matters including notification when the Broadcast and On Demand Bulletin is published.
- 2.64 To sign up to receive these communications, you must visit [the email updates area of our website](#) and select 'Broadcasting.'

## 3. Legislative requirements

This section explains the legislative requirements set out in the Small-scale Radio Multiplex and Community Digital Radio Order 2019 ('the Order'), including characteristics, selection criteria and other legislative requirements for C-DSP licensing. It is not an exhaustive account of relevant legislation. [The Order](#) can be read in full on the [legislation.gov.uk](http://legislation.gov.uk) website.

### Characteristics of a community radio service

- 3.1 In the context of licensing C-DSP services, the word "community" is defined by regulation 2(1) of the Order. This is very similar to the position for analogue community radio, but with a slight adjustment to the second part to be clear that the community with interests or characteristics in common must be physically based within the particular area or locality:
- "persons living, working or undergoing work or training in a particular area or locality"; or
  - "persons who, in a particular area or locality, have one or more particular interests or characteristics in common".
- 3.2 C-DSP services are required by regulation 2(2) of the Order to deliver "social gain" for the community or communities described above, through the achievement of the following three objectives:
- "the facilitation of discussion and the expression of opinion";
  - "the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service"; and
  - "the better understanding of the particular community and the strengthening of links within it".
- 3.3 A C-DSP licensee's objectives may also include the achievement of other objectives of a social nature, as set out in section 2(3) of the Order, again closely reflecting the position for analogue commercial radio:
- "the delivery of services provided by local authorities and other services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities";
  - "the promotion of economic development and of social enterprises";
  - "the promotion of employment";
  - "the provision of opportunities for the gaining of work experience";
  - "the promotion of social inclusion";
  - "the promotion of cultural and linguistic diversity"; and
  - "the promotion of civic participation and volunteering".

- 3.4 Section 61B of the Broadcasting Act 1996 ('the 1996 Act') as modified by the Order requires Ofcom to include conditions in every C-DSP licence to ensure that the character of the service, and in particular the delivery of social gain, is maintained. As a result, each C-DSP service will have specific 'Key Commitments' written into its licence, setting out how the licensee will fulfil its social gain objectives.
- 3.5 Regulation 4(5) of the Order requires the licensee to give opportunities to members of the relevant community to participate in the operation and management of the service.
- 3.6 Regulation 4(6) of the Order requires the person providing the service to make themselves accountable to the relevant community.

## Statutory selection criteria

- 3.7 Section 60(6) of the 1996 Act as modified by the Order states that Ofcom must, in determining whether to grant the licence in question, have regard to the extent to which:
- "the provision of the proposed service would result in the delivery of social gain to the public or relevant community";
  - "members of the relevant community are given opportunities to participate in the operation and management of the proposed service"; and
  - "the applicant is accountable to the relevant community in respect of the provision of the proposed service".
- 3.8 The "relevant community" is defined as "the community or communities which the service is intended to serve".

## Impact on commercial radio and funding rules

- 3.9 C-DSP services should not be provided for commercial reasons, or for the financial or other material gain of the individuals involved in providing the service (regulation 4(2) of the Order). Regulation 4(4) of the Order requires that any profits made by a C-DSP licensee should be used for securing or improving the future provision of the service, or for the delivery of social gain to the members of the public or the community that the service has been licensed to serve.
- 3.10 Section 61A of the 1996 Act as modified by the Order includes restrictions on the amount of advertising and sponsorship income that C-DSP licensees may obtain. For C-DSPs, this limits such revenues to £15,000 (the "fixed revenue allowance") plus no more than 50% of any relevant income (i.e. income attributable to provision of the licensed service) the C-DSP achieves above that threshold.<sup>3</sup>

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<sup>3</sup> For example, if service had a relevant income of £35,000, no more than £25,000 can be attributable to advertising and sponsorship (the £15,000 fixed allowance plus up to half the relevant income above that level, being £10,000 in that example).

- 3.11 This is similar to the position for analogue community radio, but section 67A also recognises the possibility of there being “corresponding” analogue community radio and C-DSP services, where there is an 80% overlap in programme content, with at least 50% broadcast simultaneously. The legislation requires that the licence conditions relevant to funding apply across the analogue and C-DSP licences together, rather than separately. In effect, this means that the single “fixed revenue allowance” of £15,000 will apply to the corresponding services taken together, and relevant income from advertising and sponsorship above that allowance will be limited to 50% of total relevant income across both services. Further information about funding rules and reporting is provided in Section 5.

## Ownership

- 3.12 A C-DSP licensee must be a body corporate which is not profit distributing. A body corporate is most commonly a registered company, although it can also include, for example, some bodies created by statute. An individual or an unincorporated registered charity on its own is not a body corporate (although it is of course open to individuals and charities to establish trading companies).
- 3.13 Section 60(2A) of the 1996 Act as modified by the Order requires that there must be a separate licence for each C-DSP service. There is no restriction on the number of C-DSP licences an organisation may hold.
- 3.14 A C-DSP licence can only be held by the entity which is the provider of the programme service. So, for example, if an analogue community radio station also wishes to broadcast on a small-scale radio multiplex, the same entity which holds the analogue licence would also need to hold the C-DSP licence.
- 3.15 Ofcom needs to be satisfied that applicants fully comply with statutory provisions regarding ownership and effective control. In addition, Ofcom needs to be satisfied that an applicant is a “fit and proper person” to hold a Broadcasting Act licence, under section 3 of the Broadcasting Acts 1990 and 1996. Ofcom will not grant a C-DSP licence if the applicant is a “disqualified” person, under Schedule 2, Part II of the Broadcasting Act 1990.
- 3.16 The application form includes questions designed to enable Ofcom to achieve these objectives. The Declaration signed by the applicant in Section 8 of the application form is the applicant’s confirmation that they comply with ownership requirements and are “fit and proper” to hold a licence.

## Disqualified persons

- 3.17 The Broadcasting Act 1990 (as amended) lays down several restrictions on who may hold Ofcom’s broadcasting licences. The following are among those who are disqualified from holding a C-DSP licence or from controlling a licensed company:<sup>4</sup>

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<sup>4</sup> In accordance with the Broadcasting Act 1990 (as amended).

- a local authority;<sup>5</sup>
  - a political body;
  - a religious body, other than where Ofcom is satisfied that it is appropriate for a particular person to hold a licence and makes a determination to that effect. If you wish to seek such a determination, please consult the Ofcom [Guidance for religious bodies applying for a Broadcasting Act licence](#);
  - any company controlled by any of the above or by their officers or associates;
  - an advertising agency, or any company controlled by such an agency or in which such an agency holds more than a 5 per cent interest;
  - another publicly funded body; and
  - anyone who has been convicted of any offence under sections 35 to 38 or Part 5 of the Wireless Telegraphy Act 2006, or of an offence under section 97 of the Broadcasting Act 1990 or section 145 of the Broadcasting Act 1996.
- 3.18 Please note that in accordance with the Broadcasting Act 1990 (as amended) Ofcom has the power to determine that, in certain circumstances, a person with less than a 50 per cent share can be deemed to control a company.
- 3.19 Section 5 of the Order states that a C-DSP licence cannot be held by a BBC, Channel 4 or S4C company, nor a person (or company) who currently holds a Broadcasting Act licence, other than a licence to provide:
- a community radio service;
  - a digital sound programme service;
  - a restricted service;
  - a radio licensable content service;
  - a restricted television service;
  - a small-scale radio multiplex service;
  - a television licensable content service; or
  - a local digital television programme service.
- 3.20 In other words, holders of local or national commercial radio licences, multiplex licences (other than small-scale), digital additional service licences, additional service licences, channel 3, 4 and 5 and S4C television licences, television commercial additional service licences, teletext licences, and digital television programme service licences (other than local) are all disqualified from controlling a C-DSP licence. The restrictions also apply to persons connected with the holders of such licences.
- 3.21 Section 61B(3) of the 1996 Act as modified by the Order requires that a C-DSP licence holder does not enter into, or remain subject to, any arrangement which allows another holder of a Broadcasting Act licence, the BBC or the Welsh Authority to exercise an undue influence over the nature or content of the programmes included in the service.

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<sup>5</sup> Except where the service is provided exclusively for the purposes of carrying out the functions of a local authority under Section 142 of the Local Government Act 1972 (as amended) provision by local authorities of information relating to their activities.

## Other legislative requirements

- 3.22 Section 61(2A) of the 1996 Act as modified by the Order requires that C-DSP licences must have a condition securing that the service is only broadcast on a single small-scale radio multiplex service.
- 3.23 Section 61B(2) of the 1996 Act as modified by the Order gives Ofcom the power to vary C-DSP licence conditions (including Key Commitments), having regard to the extent to which the service would continue to result in social gain, the relevant community would continue to be offered opportunities to participate in the operation and management of the service, and the licensee would remain accountable to the relevant community. Further information on such variations is set out in Section 5 of this guidance.
- 3.24 The Order applies section 43 of the 1996 Act without modification to C-DSP services and, as such, many general licence conditions apply to C-DSP services as they do to DSP and analogue community radio services. This is under the separate, but closely related, provisions of the Broadcasting Act 1990 as modified by the Community Radio Order 2004.
- 3.25 Section 61A(7) of the 1996 Act as modified by the Order sets out the circumstances where a community digital sound programme service corresponds to a community radio service. This is if, and only if, in every calendar month:
- a) “at least 80 per cent of so much of the community radio service as consists of programmes, consist of programmes which are also included in the community digital sound programme service in that month”; and
  - b) “at least 50 per cent of so much of the community radio service as consists of such programmes is broadcast at the same time on both services.”
- 3.26 Section 54(1)(c) of the 1996 Act as modified by the Order sets out which types of radio multiplex can broadcast which types of digital sound programme service. Whilst it is anticipated that C-DSP services would typically be broadcast on small-scale radio multiplexes due to reserved capacity for such services being a feature only of that layer of multiplexes, it is noted that this provision also enables broadcast via a local (but not national) radio multiplex.
- 3.27 There are further legislative requirements set out elsewhere in this document, particularly in Section 5.

## 4. Completing your application form

This section provides information on the corresponding sections of the C-DSP application form, to help you fill in your application correctly.

**The application form has two parts. Part A is non-confidential and Part B is confidential. You must complete both parts in full for your application to be considered.** Information provided in Part A of the application form will be published by Ofcom following the submission of your application. Information provided in Part B of the application form will not be published.

- 4.1 The first page of both parts of the application form asks for information about the applicant company, service name, proposed radio multiplex and the name of a contact. It is vital that you complete this accurately as failure to do so may result in the delay in the publication and assessment of your application. In cases where the applicant has an existing licence, it is our strong preference that contacts provided are the same as those for any existing licence(s).
- 4.2 The public contact details to be provided on the first page of the form are as follows:
- Name of applicant company
  - Company address
  - Telephone number(s)
  - Email
- 4.3 Please ensure that the you enter the name of the advertised multiplex area as shown in the multiplex advertisement, on the front page of parts A and B of the application form.
- 4.4 Please do not include any confidential or personal information in Part A. This includes information about individuals who are supportive of your service or would be involved in the delivery of your key commitments, as well as those directly involved in your service. You **should** provide details of individuals who are directors of, own, or control the company which will hold the licence.

### Applicant's details and eligibility requirements

**The following information relates to completing Section 2 of Part A and Sections 2 and 3 of Part B of the application form.**

- 4.5 In this section we are asking for details about the applicant company. Applications should be made in the name of a single legal entity. As stated above, this must be a body corporate which is not profit distributing. If the application is successful, Ofcom will award the licence to the legal entity named in the application. The details requested in this section include company registration number and contact information.

- 4.6 The C-DSP applicant will only be accepted if the C-DSP service that is licensed will be provided from a place within the UK.<sup>6</sup>
- 4.7 Where the C-DSP service will be a corresponding service of an analogue community radio service (as defined in paragraph 3.25 above), the C-DSP licence must be held by the same company that holds the analogue licence.
- 4.8 The person authorised to make the application should be the company secretary, a director or (if an LLP) designated member.
- 4.9 In Section 2 of Part B we are asking you for details of who we should contact during the application process, and if a licence is awarded. If you are granted a licence, it will be a condition of your licence that the licence holder must notify Ofcom as soon as possible of certain changes to the information provided in this section.
- 4.10 The applicant is asked for contact details for the following contacts:
- **Licence Contact:** The Licence Contact is the day-to-day contact for Ofcom on licensing matters. Examples of the type of communication between the Licence Contact and Ofcom could be questions regarding ownership of the licensee company; changes to the licence; and responding to information requests.
  - **Compliance Contact:** This is the person for Ofcom to contact on matters relating to compliance with the Broadcasting Code and other content-related codes and rules. If we receive a complaint about the licensed service we will contact the compliance contact to request recordings of output. We will correspond with the compliance contact during any investigations into whether content was compliant with our codes and rules.
  - **Billing/Finance Contact:** Contact details for Ofcom regarding invoicing/payment of annual licence fees.
  - **Public Contact:** Contact details for publication on the Ofcom website and/or in other relevant Ofcom publications. When a licence is granted, the name of the service, contact details for the licensee and a brief description of the licensed service are published on the Ofcom website.

**In cases where the applicant has an existing licence, it is our strong preference that contacts provided are the same as those for any existing licences.**

## Sources of funding

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

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<sup>6</sup> Under Section 245 of the Communications Act (2003)

the management of the station and/or the content of its programming, but might also extend to the applicant's other activities, including activities relating to its Key Commitments once granted.

- 4.12 Funding includes all annual income, as well as capital grants, loans and other forms of financial support, including service level agreements. It also includes the value of volunteer input and other forms of 'in-kind' support.

## Ownership and control of company which will hold the licence, and eligibility requirements

- 4.13 Only bodies corporate may hold C-DSP licence, but certain bodies corporate are disqualified from holding a broadcast licence. This section asks the questions which enable us to consider this issue. It also asks questions which are relevant to our assessment of the applicant's fitness and propriety to hold a broadcast licence.
- 4.14 In these sections we are asking for details of the directors or designated members, its shareholders and participants. Where applicable, we are also asking for details of the directors or designated members of the applicant's parent and associated companies etc.
- 4.15 Before completing this section of the form, you should read [Ofcom's guidance on the definition of 'control' of media companies](#). Note in particular that:
- Throughout this section, "control" has the meaning it is given in Part I of Schedule 2 of the Broadcasting Act 1990.
  - It includes situations where it would be reasonable to expect that any person would be able in most cases to secure that the affairs of a body corporate are conducted in accordance with their wishes. Therefore, for example, where a corporate body is held by its parent via a number of subsidiaries, all such subsidiaries have control.
- 4.16 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 4.17 The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.
- 4.18 "Officerships" in these sections refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).
- 4.19 Ofcom has a duty to ensure that anyone who applies for a broadcasting licence is fit and proper to hold one.<sup>7</sup>
- 4.20 When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at – for example – whether individuals who are likely to exercise control over the applicant and its activities (e.g. directors, substantial shareholders or members) have any criminal convictions (in any jurisdiction), or whether they have ever been declared bankrupt.

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<sup>7</sup> Under section 3 of the Broadcasting Acts 1990 and 1996.

- 4.21 In addition, certain categories of people are disqualified from holding a licence or participating above a certain level in a body which holds a licence. These restrictions are set out in Part 2 of Schedule 2 to the Broadcasting Act 1990.
- 4.22 In determining whether a person is “fit and proper”, a number of issues will be considered which could include, but are not limited to:
- Unspent criminal convictions;
  - bankruptcy and insolvency;
  - disqualification of directors;
  - removal from a professional or trade body; and
  - previous broadcasting compliance history (e.g. licence applications, sanctions).
- 4.23 Information provided in this section of the form will not necessarily result in the applicant being refused a licence – this will depend on all the circumstances of the applicant as a whole – but Ofcom may ask for further details.
- 4.24 Some questions in this section ask for previous licence numbers (if known). If these are not known, please provide the licence type.
- 4.25 If information is relevant to determining whether an applicant is a disqualified person, it is an offence for the applicant to supply false information or to withhold information with the intention of misleading Ofcom. If a person is convicted in such cases, the court may make an order disqualifying the applicant from holding a licence for a specified period. A disqualification order applies to both the individual concerned and to any company of which he or she is a director or involved in the management of (whether directly or indirectly).

## The proposed service

**The following information relates to completing Section 3 of Part A of the application form.**

- 4.26 Some questions in the section of the form contain word limits, and any information beyond the word limit will not usually be considered. Applicants should aim to keep information concise and to the point.
- 4.27 Ofcom will not specify where a service should be or who it should serve. Applicants should identify the location and community they wish to serve, and the associated small-scale multiplex they wish to broadcast on – Ofcom cannot provide advice on this.

### Name of the licensed service

- 4.28 The applicant chooses the name for their proposed service. It is the responsibility of the applicant to make sure that the name can be used.<sup>8</sup> Ofcom considers the proposed name of a service in an application to the extent that it may be relevant to the licensing criteria.

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<sup>8</sup> Ofcom’s statutory remit does not extend to intellectual property matters, and it is the responsibility of the applicant to ensure that the proposed name of the service will not cause problems, from your own point of view, with (for example) a similar name for an existing service.

The name of the licensed service could concern, for example, matters relating to the Ofcom Broadcasting Code, such as the use of explicit language that viewers may find offensive.

- 4.29 It is the responsibility of the applicant to enter into agreements with the appropriate copyright licensing bodies before commencing broadcasting. The granting of a licence does not constitute a right to use a particular name.

## Multiplex

- 4.30 If you intend to broadcast on a small-scale radio multiplex which has not been licensed yet, please indicate which advertised multiplex area you wish to broadcast in. If you are granted a licence, the annex to your licence will state the advertised multiplex area that was specified in the application.
- 4.31 As explained above, C-DSP licences allow a service to broadcast only on the multiplex specified in their application and cannot be amended following a licence grant. C-DSP applications will only be accepted if the multiplex licence on which they propose to broadcast has been advertised by Ofcom.

## Studio location

- 4.32 We ask applicants to tell us where their studio will be located, although we accept that some applicants will not have an agreed studio location at the time of application.
- 4.33 Given that a C-DSP licensee must provide social gain and opportunities to participate for, and be accountable to, its target community, Key Commitments stipulate that the studio from which the service is broadcast is located within the coverage area of the small-scale (or local) radio multiplex on which it is carried. The Key Commitments will not state specifically where the studio is located to allow for changes to the studio location within the coverage area without needing to apply for a licence variation.
- 4.34 Once a licence is granted, the Licensee will not be in breach of this requirement if an existing studio ceases to fall within the coverage area merely as a result of technical changes by the radio multiplex service.

## Target community

- 4.35 C-DSP services are legally required to serve one or more communities in a particular area or locality (whether or not it also serves other members of the public). Ofcom needs to understand who comprises that community or communities. The legislation defines a 'community' as:
- a) "persons living, working or undergoing work or training in a particular area or locality";
  - or
  - b) "persons who, in a particular area or locality, have one or more particular interests or characteristics in common".

- 4.36 When defining the community or communities you are proposing to serve, you should determine the size of the population concerned and the make-up of the population as a whole, along with any relevant socio-economic information that would support your application. Please tell us the sources of the information you provide, for example the Office of Population, Census and Survey.

## Key Commitments

- 4.37 As set out above, Ofcom must have regard to three statutory criteria in determining whether to grant a C-DSP licence. Section 3 of Part A relates to the statutory criteria, which Ofcom will evaluate in the following ways:
- a) **Provision of social gain (questions 3.7-3.11):** To help Ofcom assess the extent of social gain being proposed, applicants should set out what they aim to do, with reference to their own experience and any proposed partnerships with other groups. This will not be compared against the extent of social gain proposed to be provided by other applicants, but we expect all licensees to demonstrate clearly how their service provides material social gain.
  - b) **Participation in the operation and management of the service (question 3.12):** Applications should set out how groups or individuals from the target community can get involved in station activities and the management of the service. We expect a clear statement on how this will be secured and how the applicant will demonstrate it being achieved when broadcasting.
  - c) **Accountability (questions 3.13-3.14):** Applicants need to set out clearly how they intend to make itself accountable to the relevant community, including reference to formal and informal methods. Applicants are expected to provide precise information about how this will be secured and measured.
- 4.38 Where C-DSP applicants hold more than one C-DSP licence, we will assess how an application for a C-DSP licence provides social gain, participation and accountability in the specific local area for which the individual C-DSP service is proposed to be provided. Any such proposals should demonstrate how the service would provide social gain, participation and accountability in addition to that already provided by other C-DSP licences that might be held by the applicant or related persons.
- 4.39 The Key Commitments in C-DSP licences focus principally on the provision of “social gain”, accountability to the target community, and the ability of members of that community to participate in the service. Key Commitments also need to include the following, **drafted by the applicant**:
- The service name
  - The small-scale (or local) radio multiplex service on which the C-DSP service is to be carried
  - A description of the character of service, including:
    - the target community;

- where the target community is located (which may be a smaller area than that served by the small-scale radio multiplex service on which it plans to secure carriage); and
  - a description of the main purpose of the radio service, and its primary function or activities.
- 4.40 Should a licence be awarded, the Key Commitments drafted in the application form will form the basis of the Key Commitments section of the station’s licence. This is subject to Ofcom’s agreement and we may modify the draft commitments to ensure that they are fit for purpose and comply with the legislative requirements. Where appropriate, this will be done in collaboration with the licensee (although Ofcom’s decision is final).
- 4.41 Holders of a community radio analogue licence that is a corresponding service (see paragraph 3.25 above), are expected to use the key commitments of their existing service(s), or at the very least, very similar wording to reflect the same character of service and proposed target audience. As such, applicants may replicate the key commitments of their analogue community radio service to ensure that they are in line with those of the relevant corresponding C-DSP service.

## Compliance of the service

**The following information relates to completing Section 4 of Part A of the application form.**

- 4.42 This section asks you to describe the compliance arrangements for the proposed licensed service, i.e. the arrangements which the applicant will put in place to ensure that the content it proposes to broadcast will comply with the relevant regulatory codes and rules for programming and advertising. These include:
- a) [The Ofcom Broadcasting Code](#)
  - b) [The BCAP Code: the UK Code of Broadcast Advertising](#)
  - c) [The Phone-paid Services Authority Code of Practice](#)
- 4.43 Condition 17 of a C-DSP licence requires that you have compliance procedures in place, and this section asks that you demonstrate your ability to meet this licence condition.
- 4.44 The applicant must have a Compliance Contact (as requested in Section 2 of Part B). It is the responsibility of the licensee to ensure that all material broadcast on the service, both live and pre-recorded (and including material sourced from third parties) is compliant with Ofcom’s codes and rules.
- 4.45 The applicant must be able to adopt procedures that are acceptable to Ofcom for ensuring that the proposed licensed service will comply with the requirements of the licence, including complying with any direction issued by Ofcom. Such procedures may include:
- ensuring that there are sufficient staff, and that staff are of sufficient seniority. All staff should fully understand the licence requirements (including compliance with relevant codes and rules) and the programme and advertising standards that apply to the service; and

- making arrangements for the adequate clearance of advertising.
- 4.46 You should also ensure you set out how you would comply with the non-broadcast related conditions of the licence, as set out in Section 5 of these guidance notes, and in the [standard form licence](#). This includes setting out in detail how you will ensure compliance with your Key Commitments, and how you will maintain up-to-date information on the delivery of these Commitments.
- 4.47 If you intend to broadcast in a language other than English (or Welsh if broadcasting in Wales), you should ensure that a member of the compliance team is fluent in that language.
- 4.48 Before you apply for a licence, it is important that you read our [Compliance checklist for radio broadcast content](#). The checklist is intended to help applicants and new licensees understand the obligations and rules with which they must comply as a condition of their Ofcom licence to broadcast. Prospective licensees must be aware of the potential scope of their regulatory responsibilities so that robust compliance procedures can be planned and financed at an early stage.
- 4.49 Ofcom will not grant a C-DSP licence if the proposed service would be likely to involve contraventions of the standards for programmes and advertising.

## Checklist of supporting documentation

**The following information relates to completing Section 4 of Part B of the application form.**

- 4.50 The application form must be accompanied by the supporting documentation set out in this section of the form. Documentation must be in legible form and translated into English or Welsh where applicable. Failure to supply the necessary documents may result in the application being rejected.
- 4.51 Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit, please send your supporting documents in a separate email(s) clearly state the applicant's name in the subject line of the email along with "C-DSP".
- 4.52 Please tick the relevant boxes in this section to confirm that you are providing each of the relevant documents with your application.
- 4.53 You must ensure that you submit your fees in line with the instructions in Section 2 of these guidance notes.

## Declaration

**The following information relates to completing Section 5 of Part A and Section 5 of Part B of the application form.**

- 4.54 The final pages of both parts of the application form includes the declaration, which must be completed in full.

- 4.55 Applicants are required to make a declaration to Ofcom. The declaration covers various legal issues which Ofcom needs to know about in order to ensure that we are legally able to grant you a licence, should you be successful in your application.
- 4.56 The application form must be submitted by the applicant named in response to question 2.5 of Part A of the form. **An agent may not sign the form.**
- 4.57 The person authorised to make the declaration on behalf of the applicant must print their name and must be one of the following:
- a) A director of the company or the company secretary where the applicant is a company.
  - b) A designated member where the applicant is a Limited Liability Partnership.
- 4.58 The declaration must also be dated.
- 4.59 If the applicant or the form signatory fails without reasonable excuse at the date of signing the declaration to declare any matter of which Ofcom subsequently becomes aware, and which we consider to be relevant to the applicant's eligibility to hold a licence, we will take that into account when determining the question of whether the applicant/licensee remains fit and proper to hold a licence.

## 5. After you have been granted a C-DSP licence

This section sets out key information that you may find useful throughout the duration of your licence. It includes general requirements, licence obligations and background information and should be read alongside the conditions contained within your licence.

### Variations to your licence by Ofcom

- 5.1 Ofcom may vary the licence by notice served on the licensee, provided that the licensee has been given a reasonable opportunity to make representations to Ofcom about the proposed variation.

### Changes to Key Commitments

- 5.2 If you wish to change the name or the nature of the licensed service (Key Commitments), the change must be agreed in writing with Ofcom before any changes are made. This would include applying to change the description of the community you are targeting or the description of the service provided.
- 5.3 Requests for service name and Key Commitments changes are dealt with on a first come, first served basis and you should allow four weeks for your request to be processed.
- 5.4 Your application should clearly set out how the changes are such that the provision of the service will continue to deliver social gain, to offer opportunities for the community to participate in the operation and management of the service, and to be accountable to the community. These are matters to which Ofcom must have regard in deciding whether or not to consent to the variation.
- 5.5 There will not be any fee charged for C-DSP licence variations.

### Changes to contact details

- 5.6 If there are any changes to the licensee's contact details once the licence is granted, the licensee must inform Ofcom immediately by submitting the Notification of Change form available on our website. This can be sent by email to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).

### Transferring your licence

- 5.7 A C-DSP licence can only be transferred from one body to another with the written consent of Ofcom. The legislation stipulates that we cannot give our consent unless we are satisfied that the person (body or company) to whom it is proposed to transfer the licence would be in a position to comply with all of the licence conditions. The person to whom it is proposed to transfer the licence will be asked to provide evidence of funds available to the

new licence-holder to sustain the service going forward, and other information as deemed appropriate by Ofcom at the time of the request

- 5.8 There will not be any fee charged for C-DSP licence transfers.
- 5.9 The existing licence holder should ensure that the new licence holder receives all relevant information about the licence so that they can comply with the conditions of the licence. This includes, but is not limited to, financial information for the finance report and recordings and information relating to the compliance of the service.

## Licence conditions

- 5.10 This section provides an overview of some of the conditions that C-DSP licensees are subject to. It is not an exhaustive account of the licence conditions or relevant legislation.
- 5.11 Ofcom can include in licences other conditions, such as those that appear to us to be appropriate to:
- a) meet our duties under the Broadcasting Act 1990 and the Communications Act 2003; and
  - b) deal with incidental and supplemental matters.
- 5.12 An example of a [standard form C-DSP licence](#) is available on Ofcom's website. This is illustrative only and not a guarantee of the terms of the licence that an applicant will be granted. Licensees must refer to the issued licence and consult the legislation for themselves, and may wish to seek their own legal advice for this purpose. In the event of any conflict between these notes and the terms of the licence and relevant legislation, the terms of the issued licence and relevant legislation prevail.
- 5.13 Where Ofcom has contracted out functions to other bodies (such as the contracting out of the regulation of broadcast advertising to the Advertising Standards Authority), the references to Ofcom in the licence conditions should, where relevant, be read to also refer to those other bodies.

## Purpose and length of licence

- 5.14 A C-DSP licence authorises the provision of the licensed service. The licence does not oblige the licensee to provide the service (although Ofcom may revoke the licence if the licensee ceases to provide the licensed service where appropriate).
- 5.15 C-DSP licences only authorise provision of the licensed service via one small-scale multiplex and this would need to be the small-scale multiplex referred to in the Key Commitments.
- 5.16 There is no equivalent restriction on C-DSP licences providing the licensed service on a local multiplex although, in practice, a C-DSP providing a service on a local multiplex only would be likely to choose a multiplex encompassing most or all of the small-scale multiplex area identified in its licence (otherwise it is difficult to see how the service would be able to meet its commitments to the target community). It is noted that there is no reserved

capacity for C-DSPs on local multiplexes, so a C-DSP would be in the same position as a standard DSP accessing capacity on a local multiplex.

- 5.17 The licence remains in force from the commencement date until it is surrendered by the licensee or revoked by Ofcom. See below for further information about surrender and revocation of C-DSP licences.

## Key Commitments

- 5.18 Unlike analogue community radio licences, C-DSP licences will allow – but not require – a service to broadcast. Key Commitments therefore only apply to a C-DSP licence if the service is in fact broadcasting.
- 5.19 There are ‘standardised’ Key Commitments which refer to providing the target community with social gain, accountability and opportunities to participate in the service. However, holders of multiple C-DSP licences should note that the delivery of the Key Commitments for each individual licence will need to be specific to that licence and the particular locality and community being served.
- 5.20 Licensees are required to keep up to date information on how they are delivering their Key Commitments, should Ofcom need to see this information.

## Revocation and surrender of licence

- 5.21 The Order gives Ofcom the power to grant a C-DSP licence that remains in force for an indefinite period of time. If a licence holder wishes to surrender its licence at any point, it can do so.
- 5.22 To surrender a licence, you must write to Ofcom. The letter must be signed by an authorised individual on behalf of the licensee.<sup>9</sup> The letter should make clear the date upon which you wish to surrender the licence, i.e. either the date of the letter or a date in the future.
- 5.23 Providing a licensed service whilst failing to comply with the requirements of a C-DSP licence would be a ground for revocation of the licence.
- 5.24 Ofcom may consider revocation of the licence for a number of reasons including, but not limited to:
- the licensee has failed to pay its annual licence fees or provide information requested by Ofcom;
  - the licensee has ceased to provide the licensed service and it is appropriate to revoke the licence;
  - the licensee has provided false information (or withheld information) with the intention of misleading Ofcom;
  - the licensee becomes a “disqualified” person;<sup>10</sup>

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<sup>9</sup> This will be a director, the company secretary, or a designated member (in the case of a Limited Liability Partnership).

<sup>10</sup> Under Schedule 2, Part II of the Broadcasting Act 1990.

- any change takes place affecting the nature, characteristics or control of the licensee which, if in place originally, would have resulted in Ofcom not granting the licence;
- Ofcom ceases to be satisfied that the licensee is “fit and proper” to hold a licence;<sup>11</sup>
- the licensee fails to comply with any requirement to hold, or have held on his behalf, a licence under the Wireless Telegraphy Act 2006 (as amended);
- the service provided by the licensee no longer constitutes a service licensable by Ofcom as a C-DSP; or
- the licensee is placed in administration or liquidation, or becomes insolvent.

5.25 Before revoking a C-DSP licence, Ofcom must first notify the licensee of its intention to revoke and give the licensee a reasonable opportunity to make representations.

5.26 When a licence has been revoked or surrendered, the information about the licensed service is removed from the list of licensed services on Ofcom’s website. Notice of the revocation or surrender will be published in our [radio broadcast licensing monthly update](#).

## Provision of information to Ofcom

5.27 The licensee must supply to Ofcom by the deadline provided, any information that we may require for carrying out our duties. This includes (but is not limited to) information about the licensee’s corporate structure, any information that Ofcom may need to determine whether the licensee is on any ground a “disqualified” person<sup>12</sup>, information about the diversity characteristics of the licensee’s employees and its equal opportunities arrangements and financial information used for market monitoring and the publication of sectoral statistics information relevant to the calculation of annual licence fees. Please note that the requirements in the licence for the provision of information to Ofcom are broad, and that this is only a brief overview.

## Changes relating to the licensee body

5.28 The licence also obliges the licensee to inform Ofcom about changes to the nature, characteristics or control of the licensee body.

5.29 You should notify Ofcom in writing of the following changes as soon as reasonably practicable, and no later than 28 days from the changes taking place:

- Proposals affecting the control of the licensee, and changes in control.
- Changes in shareholders and directors.

5.30 You should notify Ofcom in writing **immediately** of the following changes:

- Changes in management, key staff and contact details.
- If the licensee becomes aware that any order is made or resolution passed which would result in the licensee going into administration, liquidation, or if the licensee may become insolvent.

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<sup>11</sup> Under section 3 of the Broadcasting Acts 1990 and 1996.

<sup>12</sup> Under Schedule 2, Part II of the Broadcasting Act 1990.

- If a court judgment is passed against the licensee or the licensee is convicted of a criminal offence. This also applies to shareholders and directors of the licensee, and any person or body that has control over the licensee.

### Finance report and fixed revenue allowance

- 5.31 We require a finance report to be submitted by each licensee once they have been broadcasting for more than a year. This will enable Ofcom to check whether stations are operating within the income limits set out in the legislation. The information provided by stations will also be used in Ofcom's report summarising the broadcasting sector (both TV and radio) over the previous calendar year.
- 5.32 There is a "fixed revenue allowance" of £15,000 applied to a C-DSP service, and relevant income from advertising and sponsorship above that allowance is limited to 50% of the total income from the service.
- 5.33 Advertising may be broadcast in return for payment or other valuable consideration; both will count towards the limits set out above. The restrictions on income from advertising and sponsorship refer to the sponsorship of programmes included in the service, sponsorship of the station, and to income from commercial communications in programming. Income from the sponsorship of anything that is not broadcast is excluded from these limits (for example, sponsorship of a station event, website or training scheme). Income from advertising that is not broadcast, such as on a station website, is also excluded from the legislative restrictions. Sponsorship from donations and philanthropic support are excluded from the restriction, and may be credited on air but must be easily distinguishable from commercial sponsorship. Ofcom would not consider funding to be philanthropic if it was dependent on the broadcaster acknowledging it on air.
- 5.34 Where there are "corresponding" analogue community radio and C-DSP services, the corresponding services will be required to report income together in a single financial report. The fixed revenue allowance will apply to the corresponding services taken together, and relevant income from advertising and sponsorship above that allowance will be limited to 50% of total relevant income across both the services.
- 5.35 In situations where the holder of an analogue community radio licence holds a DSP licence (rather than a C-DSP licence) which corresponds with the analogue service (under the same definition as applies to C-DSP services), the licensee should apportion their income equally between their analogue and DSP licences, unless they have compelling reasons to argue that income should be apportioned differently. DSP licensees would not need to seek any prior approval to depart from equal apportionment. However, if they have departed from it, licensees should, if asked by Ofcom, be able to explain why the apportionment is reasonable, and provide evidence to support this.
- 5.36 Income from service level agreements, under which, for example, a training scheme is paid for by the local council, does not count as advertising or sponsorship income.
- 5.37 Some volunteer time may be counted as station income. C-DSP licensees may wish to count volunteer inputs as part of their turnover because offsetting volunteer input against

other sources of income allows for greater revenues to be obtained from on-air commercial sources. However, income cannot be taken **only** from a combination of on-air advertising and sponsorship and volunteer inputs. A minimum of 25% of income must come from sources other than these, such as grants, donations and service level agreements.

## Retention and production of recordings

- 5.38 The licensee must retain, or arrange for the retention of, recordings of everything broadcast on the licensed service, including ancillary material, for a period of 42 days. If Ofcom requests a copy of any broadcast material, the licensee must provide this by the deadline given. Recordings must be of a standard and in a format which allows Ofcom to listen to the material as broadcast. The licensee must also provide Ofcom with scripts or transcripts of any material included in the service when requested to do so.
- 5.39 The licensee should make appropriate provision for spare recording capability to enable continuity of recording in the event of a breakdown or routine maintenance. Failure to provide a recording of output when requested by Ofcom (in the course of the investigation of a listener's complaint, or for any other reason) will be considered a serious breach of licence conditions.

## Complaints relating to the licensed service

- 5.40 Licensees must ensure that they have in place procedures acceptable to Ofcom for the handling and resolution of complaints about their service. Licensees must keep a record for 12 months of all complaints it receives and its responses to them and make this available to Ofcom on request.
- 5.41 The licensee must also comply with all of the specific provisions relating to fairness complaints (such as the provision of transcripts, copies of documents and correspondence related to the complaint, recordings etc. to Ofcom and the complainant).
- 5.42 If requested by Ofcom, the licensee must publicise Ofcom's functions in relation to complaints.
- 5.43 Any costs incurred by Ofcom in investigating a complaint, including the translation of material broadcast in languages other than English or Welsh, may, in the event of a complaint being upheld by Ofcom, be passed on to the licensee. [Ofcom's complaints procedures](#) can be found on our website.

## Regulation of advertising and sponsorship

- 5.44 Broadcast advertising is co-regulated by the Advertising Standards Authority. The regulation of broadcast sponsorship is the responsibility of Ofcom and the rules are in the Broadcasting Code.
- 5.45 Commercial communications in radio programming are regulated by Ofcom and the rules for such output are in Section Ten of the Broadcasting Code.

## Compliance with ownership restrictions

- 5.46 As set out in Section 3 of this guidance, the Broadcasting Act 1990 lays down a number of restrictions on who may hold Ofcom's broadcasting licences. The licensee is obliged to comply with these ownership restrictions and failure by a licensee to do so will constitute a breach of the licence which, if not rectified, may result in revocation of the licence. For further information about revocation, see above.
- 5.47 Anyone convicted in the past five years of an unlicensed broadcasting offence is disqualified from holding a C-DSP licence. Furthermore, every licensee must, according to the conditions of their licence, do all it reasonably can to ensure that no-one so disqualified is concerned in the operation of the station or the making of programmes included in the licensed service.

## Arrangements with other broadcasters

- 5.48 Ofcom is required to put conditions into a C-DSP licence that ensure that the licence holder does not enter into, or remain subject to, any arrangement which allows another holder of a Broadcasting Act licence, or the BBC or the Welsh Authority, to exercise an undue influence over the nature and content of the programmes included in the C-DSP service.

## Equal opportunities and training

- 5.49 Licensees which employ more than 20 people and operate for more than 31 days in a year are required to put in place arrangements for the promotion of training and equal opportunities. Specifically, licensees must:
- make and from time to time review arrangements for promoting equal employment opportunities in relation to sex, race and disability. Examples of such arrangements may include policies and initiatives designed to help licence holding companies employ and retain a diverse workforce;
  - make and from time to time review arrangements for training staff. Examples of such arrangements may include mentoring schemes or professional skills training programmes;
  - take appropriate steps to make those affected by the arrangements specified above aware of them;
  - publish yearly observations on the current operation and effectiveness of their arrangements. Companies may, for example, devote a section of their annual report to their training and equal opportunities programmes; and
  - provide Ofcom with a copy of annual observations detailing the current operation and effectiveness of their arrangements when requested

## Fair and effective competition

- 5.50 Ofcom has a duty to ensure fair and effective competition in the provision of licensed services and services connected with them. Ofcom's general policy is to include in Broadcasting Act licences a condition requiring the licensee:

- not to enter into or maintain any arrangements or engage in any practices which are prejudicial to fair and effective competition in the provision of licensed services or connected services;
  - to comply with any code or guidance approved by Ofcom for the purpose of ensuring fair and effective competition in the provision of licensed services or connected services; and
  - to comply with any direction given by Ofcom for that purpose.
- 5.51 Ofcom has adopted this general policy because of the merits of ex ante regulation in securing fair and effective competition.
- 5.52 Before taking enforcement action under the licence pursuant to this condition, Ofcom would need to consider whether, in the circumstances, it would be more appropriate to proceed by enforcing the relevant provisions of the Competition Act 1998 rather than by enforcing the licence condition.

## Sanctions

- 5.53 Ofcom can impose sanctions on a licensee for serious, deliberate, repeated and/or reckless breaches of the licence conditions (including circumstances where broadcast content does not comply with the relevant codes). The sanctions available to Ofcom range from requiring the licensee to broadcast a statement of Ofcom's findings on the relevant service, to the imposition of a financial penalty on the licensee, and/or revocation of the licence. For further information about sanctions, please consult [Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences](#).

## A1. Frequently asked questions

### **How much does a licence cost?**

The application fee for a C-DSP licence is £250. The annual licence fee is £100. The application fee is non-refundable. You will be required to pay the annual licence fee along with the application fee (£350 in total) at the time you submit your application. Further, the annual licence fee will be payable on the anniversary of the licence grant each year. For further information on fees, please see paragraphs 2.34-2.43.

### **How long does the licensing process take?**

As a guideline, we aim to issue a licence within three months, however this cannot be guaranteed. For further information, please see paragraphs 2.44-2.49.

### **I already have a Community Radio Licence. Will I still need to complete an application form?**

C-DSP are a different licence product to the Community Radio Licence, and has a set of statutory selection criteria that every applicant needs to demonstrate they fulfil, which are set out in the Broadcasting Act 1996 as modified by the Community Digital Radio Order 2019. The completion of the application form enables us to assess whether applicants meet the statutory criteria to hold a C-DSP licence and to demonstrate their ability to meet the licence condition about having compliance procedures in place.

### **I already have an existing Ofcom licence – is there a fast-track application process?**

No, there is no fast-track application process. Ofcom licensees must follow the same process as all other applicants.

### **I no longer want/need my licence. What do I do now?**

If you no longer require your licence, you can surrender it by emailing [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk). In the email, please provide your licensee name and the names and licence numbers of any licences you wish to surrender.

### **There has been a change of control at the licensee company. How do I inform Ofcom?**

If there has been a change of control at your licensee company, you are required to inform Ofcom as soon as you are aware of the details of the change or within 28 days of the change taking effect, by

completing a [Change of Control notification form](#) which explains in greater detail what a change of control entails.

## **One of our Ofcom contacts has changed their contact details. How do I inform Ofcom?**

If any contact details have changed, it is important that you inform Ofcom by emailing [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk) so that we can ensure that you receive any correspondence from us.

## **The licence for the multiplex I want to broadcast on hasn't been advertised yet. Can I still apply?**

No, you must wait until the licence for the multiplex service on which you propose your C-DSP service to be carried has been advertised. Any applications submitted for a C-DSP licence which nominate a radio multiplex service for which the licence has not yet been advertised will be returned, along with any fees paid.

## **My company holds an analogue community radio licence. Does this impact our ability to hold a C-DSP licence?**

Analogue community radio licensees are not restricted in their ability to hold any number of C-DSP or DSP licences. This does not amend the restriction on holding multiple analogue community radio licences.

If you intend to simulcast an existing analogue community radio service via a C-DSP licence, both licences must be held by the same licensee.

## **Do I need a new C-DSP licence for more than one service on the same multiplex, or the same service on more than one multiplex?**

A C-DSP licence covers a single C-DSP programme service on a single small-scale multiplex. A C-DSP service is required to deliver social gain and other community benefits to a community in a specified area or locality, from a studio based in that area. It therefore follows that a new C-DSP licence would be required for a C-DSP service which targets a community in a different area or locality (as this would be a different C-DSP service).

The only exception to the above is where you wish to provide your C-DSP service on a local radio multiplex service, in addition to a small-scale radio multiplex service. This is because a C-DSP licence can also be used to cover the broadcast of the same programme service on a local radio multiplex. For more information, please see paragraphs 2.1-2.6.