
Application process for short-term restricted service licences (“SRSLs”) during May and June 2019

About this document

This document lays out the process for applying to hold a short-term restricted service licence (“SRSL”) for the known period of high demand covering Friday 3 May 2019 to Friday 7 June 2019. The document includes important information on several changes to the process since the last similar application window in November 2017. It is therefore essential that all potential applicants read this document carefully before submitting an application.

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1. Introduction

Background

- 1.1 Applicants wishing to broadcast a short-term radio service under a short-term restricted service licence (“SRSL”) on any dates between Friday 3 May and Friday 7 June 2019 (inclusive) should apply during our application window opening on Monday 5 November 2018 and closing at 5pm on Friday 23 November 2018.
- 1.2 In geographical locations where only one application is received, we may be able to offer a licence to that applicant in line with our ‘first come, first served’ policy. However, the religious period of Ramadan falls within these dates and, based on previous experience, Ofcom expects to receive a large number of applications to operate short-term restricted services during May and June 2019, with some locations in the UK expected to be in particularly high demand. Consequently, in these locations, due to the high demand for SRSL broadcasts and the limited number of FM frequencies available, we expect to have to allocate licences by way of a draw instead of our usual ‘first-come, first-served’ policy.
- 1.3 This document sets out the application process that any applicant wishing to broadcast on any date between Friday 3 May to Friday 7 June 2019 inclusive must follow.
- 1.4 **It is important that previous SRSL applicants read this document, as we have made some changes to our process.**
- 1.5 Ofcom is today publishing a **revised set of guidance notes¹** to support this process. These notes of guidance are applicable to this application window and future SRSL applications. **Please refer to them, as well as this document, before submitting an application.**
- 1.6 **Ofcom is today publishing a revised application form², which must be used for any application submitted from today. Ofcom will not accept applications made on old versions of the application form.**
- 1.7 Due to the changes we have made to the application process (as summarised in this document and detailed in the guidance notes), we are providing a three-week window for applications this year, instead of the usual one week.
- 1.8 Any SRSL application for a broadcast including any date between Friday 3 May 2019 and Friday 7 June 2019 inclusive **must be received by Ofcom by 5pm on Friday 23 November 2018.**

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0022/125527/Short-term-RSL-guidance.pdf

² <https://www.ofcom.org.uk/data/assets/file/0019/10576/rsl-application-form.docx>

2. Application process

Submitting applications by email instead of post

- 2.1 Since our current processes were put in place, the use of electronic communications has become widespread and simpler. In our view, the resources required to process paper-based applications are disproportionate.
- 2.2 We will therefore now generally accept only emailed SRSL applications, which must be sent to broadcast.applications@ofcom.org.uk. The required supporting documentation must be scanned and provided by email also.
- 2.3 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 ensure that their application has been received.
- 2.4 We will continue to encourage applicants to download the editable version of the application form from our website and complete it on a computer. However, we will also continue to accept applications that have been hand-written, scanned and attached to an email, provided they are completed using block capitals and black ink. We will not accept applications that are not in legible form.
- 2.5 This method of receiving applications will also save Ofcom significant resource in scanning applications for electronic filing purposes. Electronic applications can also be stored more securely than paper-based ones so will make it simpler to ensure compliance with the General Data Protection Regulations.
- 2.6 However, to ensure that we do not discriminate against those who are unable to submit their application by email/using the online form, we will provide the option to post it provided that the applicant contacts us first, providing a compelling reason why they cannot submit their application by email/using the online form. This approach will also apply to those applicants who are able to submit their form by email but are unable to submit the required supporting documentation by email. Ofcom will acknowledge any postal application via a letter posted to the contact supplied in response to question 2.6 of the form within five working days.
- 2.7 Reasons for wishing to submit an application by post that Ofcom would consider not to be compelling include not owning a scanner (as there are commercial and public facilities available for this purpose) and lack of time before the deadline for applications.

Electronic bank transfer payments encouraged over cheques

- 2.8 We continue to encourage application fee payments by electronic bank transfer (BACS/CHAPS) and require that the payment reaches Ofcom's bank account within five working days of the application form being received by Ofcom.

- 2.9 To ensure that we can identify the payment, the applicant must use the postcode provided in response to question 2.6 of the application form as a payment reference when making the bank transfer or written on the reverse of the cheque.

Revised application form

- 2.10 We have published a revised SRSL application form. Any SRSL application submitted from the date of this document, must use the revised application form on our website.
- 2.11 **Any application made on a previous version of the form will be rejected. If you are applying for an SRSL for a period of high demand, there will not be an opportunity to resubmit the application³.**
- 2.12 We have made revisions to the form to address concerns we have had that licence applicants may not always fully understand their obligations and to enable a better assessment of their fitness to hold a licence.
- 2.13 As with all TV and radio broadcasting licences, SRSLs contain a requirement that the licensee has sufficient staff and adequate compliance procedures in place to ensure its content complies with relevant codes and rules including the Broadcasting Code.⁴
- 2.14 However, due to the temporary nature of short-term restricted services, licensees may have limited broadcasting/compliance experience and therefore may be less aware/able to comply with our codes and rules which we consider presents a potential risk of harm to listeners.
- 2.15 We have updated the application form to ask more questions of the applicant to allow us better to assess whether applicants have appropriate compliance processes in place to ensure that the content broadcast is compliant with the Broadcasting Code. This will help us to meet our duty to ensure that applicants are fit and proper to hold a licence and ensure greater protection for listeners from potentially harmful content.
- 2.16 Ofcom acknowledges that a small broadcaster may have very different compliance processes in place and fewer staff employed to ensure its service is compliant than a medium-sized or large broadcaster.
- 2.17 We are no longer requesting a letter of support to be submitted with all applications for events or religious periods or festivals. This is because we consider that this is potentially onerous on applicants and religious institutions and adds limited value to our assessment of applications.
- 2.18 We are no longer requesting a proposed coverage map to be submitted with the application. If we consider that we require a map, we will request one from the applicant. If requested, the map must be to scale and show the transmission site; the location of the

³ Applications will only be checked to ensure they are complete after the application window has closed. There will be an opportunity to submit another application (and pay a new application fee of £400) if the area for which you are applying is not one for which a draw needs to be held.

⁴ See condition 15 of the standard form licence: https://www.ofcom.org.uk/__data/assets/pdf_file/0013/7042/srsl.pdf

event or establishment (if different from the transmission site); and the area over which acceptable reception is desired. An applicant would need to be able to provide a coverage map and any requested information regarding the coverage for their proposed service, within five working days.

- 2.19 We are no longer asking for applications to contain a signature of the person authorised to submit the application. Instead, we require individuals applying for a licence to simply provide their name. In the case of a company applying for the licence, we require that the individual submitting the form (who must be company secretary or a director of the company) ticks a box to certify that they are submitting the form on behalf of the company in their capacity as company secretary or a director.

Revised application assessment and draw process

- 2.20 In recent years, for periods of high demand, even where there is not enough spectrum for more than one licence to be granted, we have used a significant amount of our resources to assess all received applications fully for eligibility to hold a licence before holding a draw to select the applicant to grant a licence to.
- 2.21 This is not the best use of our resources. To illustrate the inefficiency, for the 'summer draw' in 2018 which included Ramadan, we assessed 54 applications that went into a draw even though we only had frequencies available to license six. In the draw area of Bradford, we received 29 applications to broadcast during Ramadan. We had to assess all 29 applications in full before entering them into the draw (rejecting five following assessment), even though only one applicant could ever be awarded a licence in Bradford.
- 2.22 In addition, to date, we have been lenient with applicants who have not used the most recent version of the application form, have not provided supporting documents with their application or have not signed or dated the form. Instead of rejecting applications, in cases where doing so has not given the applicant an advantage over competing applicants, we have corresponded with applicants to, for example, ask them to provide supporting documentation. This is not an efficient use of our resources and it does not incentivise applicants to take appropriate care.
- 2.23 The current approach whereby draw entrants are invited to attend a public draw, which is also video recorded and published on YouTube for a short period is also, in our view, an inefficient use of Ofcom resource. Contacting a large number of applicants to invite them to the draw and coordinating their responses is not an efficient use of our resources when historically a very small number of applicants have attended. In addition, following a recent reconfiguration of Ofcom's London office there are now fewer suitable meeting rooms available to hold draws.
- 2.24 We therefore intend to change the process as follows.
- 2.25 We will be more robust in rejecting on specific grounds:

- i) Applications submitted using previous versions of the application form (Ofcom periodically updates application forms so applicants should always check the website for the latest version before applying).
 - ii) Failure to submit the required supporting documents in legible form.
 - iii) Failure to pay the application fee, which must be received in Ofcom's bank account within five working days of the application being received i.e. if we receive an application on a Monday, the fee must have been received by the end of the day on the following Monday. Ofcom's preferred method of application fee payment is BACS/CHAPS but if an applicant is paying the application fee by cheque, the cheque must be received within five days of the electronic application being received by Ofcom. Any cheques will be banked before any draw is conducted. If a cheque bounces, the applicant will not be put into the draw.
 - iv) Applications where the declaration is not made by the individual applying for the licence, or in the case of a company applying for the licence, the company secretary or a director of the company.
 - v) Applications where the declaration is not dated.
 - vi) Applications where the proposed length of broadcast significantly exceeds the period over which the event is actually taking place.
- 2.26 In addition, in the case of body corporates, we will reject applications if any supporting company documents in languages other than English have not been translated.
- 2.27 If we reject an application for failing to meet the above criteria, we will provide a summary of the reason for rejection. We will not refund the application fee.⁵
- 2.28 Those applicants which remain in the process (i.e. have met the criteria in paragraphs 2.25 to 2.26 above) and are competing for a single frequency will be eligible to be put into a draw.
- 2.29 We will no longer publish a list of applications received before a draw.
- 2.30 As we will continue to record and then publish a video of the draws on YouTube, we do not consider it necessary to also invite applicants to attend draws.
- 2.31 During each draw we will state the names of the applicants included in the draw. We will then pull out all applicants in turn, formally noting the order in which they were drawn.
- 2.32 Applicants who were entered in a draw will be sent a link to view the recording of the draw published on YouTube within two working days of the draw taking place. The delay is necessary to allow us to add subtitles to the video for those who are visually impaired.
- 2.33 After a draw, we will consider whether the first applicant drawn is eligible to hold a licence.
- 2.34 If the first applicant drawn is not eligible to hold a licence or fails to provide an appropriate response to enquiries within five working days, we will move the application to

⁵ Similarly, the fee will not be refunded if an applicant subsequently decides to withdraw their application.

the back of the queue and assess the application of the second applicant drawn, and so on. We will continue this process until we assess an application which we can grant. If none of the applications is eligible, no licence will be awarded.

- 2.35 We are likely to need to assess concurrently at least the first and the second applications drawn, to prepare for the risk that there may be issues regarding whether the first applicant meets our licensing requirements, and these may take some time to resolve. If we could not grant the first applicant a licence, and there was not time to assess the application of the next one down, no licence would be granted in that area, which we would want to avoid. If we ask the second (or later) applicant for clarifications, we will make it clear that they are not first in the assessment process and that if the first applicant that was drawn meets our requirements it will be that applicant who is awarded the licence.
- 2.36 If we fully assess an application and reject it for failing to meet our criteria, we will provide a summary of the reason for rejection to the applicant. We will not refund the application fee.
- 2.37 Once all licences have been awarded to the successful applicants, we will write to all other applicants whose applications were not fully assessed to inform them that they have been unsuccessful. We will not refund the application fee to unsuccessful applicants.

Transmitter site changes

- 2.38 It is important that applicants do not make changes to their transmitter site details once the application has been submitted. This is because in some overlapping geographical areas frequency planning has to be done at the same time to ensure that all frequencies can be used without interference. If one applicant changes their transmitter site, Ofcom must re-do its frequency planning for the surrounding areas. **This is not a good use of our resources.**
- 2.39 Ofcom will therefore not permit a transmitter change if it requires frequency re-planning.
- 2.40 Any transmitter site change request that we are able to consider (i.e. where frequency re-planning is not necessary) is subject to a £200 amendment fee.