
Restricted services: proposals to increase available spectrum and simplify our approach to licensing

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– Welsh document

CONSULTATION:

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Overview

This document sets out changes that Ofcom proposes to make to our approach to licensing certain broadcast radio services known as restricted services.

Restricted services are radio services with small coverage areas that are broadcast for the purposes of events or within a particular establishment or location in the UK.

Examples of restricted services include dedicated radio services for religious observances such as Ramadan; hospital radio services; university radio services; drive-in movie soundtracks and commentary for events such as air shows.

A restricted service requires two licences issued by Ofcom; (i) a broadcasting licence under the Broadcasting Act 1990 (“BA90”) which regulates the content of the service (“BA licence”); and (ii) a wireless telegraphy licence under the Wireless Telegraphy Act 2006 (“WTA06”) which applies to the transmission of the service (“WTA licence”).

Restricted services mainly broadcast in the AM and FM broadcasting bands, but we don’t always have sufficient FM frequencies available to meet demand. This issue has been exacerbated by a change in demand for licences to provide restricted services in recent years. Since the start of the Covid-19 pandemic, interest in restricted services has been high, particularly for drive-in events, and we expect increased levels of demand to continue in the coming years.

To help tackle this issue, we have developed a new method of spectrum planning for services that enables us to identify small gaps in spectrum use, between the existing broadcast radio services in the FM band. We have developed a method to identify frequencies that are interference limited in the coverage they can deliver and so therefore are unsuitable for other broadcast uses. We refer to the spectrum in these gaps as ‘limited coverage spectrum’.

This limited coverage spectrum provides a way for Ofcom to ameliorate the shortage of FM spectrum for restricted service applications. It will increase the overall spectrum resource available to use for restricted services and will potentially provide opportunities for more restricted services to be licensed in the future.

We have completed in-house technical tests of the use of limited coverage spectrum, and are completing further tests in an ongoing trial in real world conditions. The results we have seen to date enable us to move forward with our proposals to make this spectrum available for restricted services.

We also want to simplify our approach to licensing these services and make it as straightforward as possible to apply for licences to provide restricted services. We summarise the main changes we are proposing to make in the box below.

What we are proposing – in brief

- To allocate 'limited coverage' spectrum to low-power restricted services where suitable spectrum is available.
- To move existing low-power restricted service licensees to a limited coverage frequency, where one is available, on renewal of their licences.
- To invite the Secretary of State to consider making an order under the BA90 to provide an exception for ADSRSLs and some similar emerging services from the requirement to hold a BA licence.
- To simplify the restricted service fees regime.
- We are also proposing to make various administrative changes to the application process and associated guidance notes for restricted services and to the standard form BA licence template for a restricted service.

Next steps

We invite comments and representations on the proposed changes by 5pm on 9 May 2022. Subject to the time needed to fully consider all responses received, we aim to publish a statement setting out our decisions in Summer 2022.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document.

1. Background

This section explains what restricted services are and the current licences that we issue for restricted services. It gives more information about why we have developed a new spectrum planning method for these services and the new opportunities this provides for restricted services.

What are restricted services?

- 1.1 Restricted services are radio services that are broadcast for the purposes of an event (for example providing commentary at an air show) or within a particular establishment or location (for example a hospital radio service).

Licensing restricted services

- 1.2 Restricted services require two different licences – a BA licence, which authorises the broadcast of the service, and a WTA licence which authorises the use of the spectrum which is used to transmit the service. We use the acronym ‘RSLs’ to refer to the restricted services that we license.
- 1.3 We currently issue BA and WTA licences for three types of restricted services:
- a) **Short-term restricted services (‘SRSLs’)**: these licences are granted for the coverage of a specific event. They are granted for a short period (usually up to 28 days) for broadcasts in the FM broadcasting band. They can also be granted in respect of a series of events. In these circumstances, the licences will permit 28 days of non-consecutive broadcasts over an extended period of time (typically 6 or 12 months) This is known as an extended duration SRSL.
 - b) **Long-term restricted services (‘LRSLs’)**: these licences are granted for a radio service broadcasting on either AM or FM frequencies at a particular location or to a particular establishment (such as a hospital), for a period of one to five years.
 - c) **Audio distribution system restricted services (‘ADSRSLs’)**: these licences are granted for the broadcasting of an audio service at a specific site on frequencies which are outside the conventional AM and FM broadcasting bands. They are granted for a period of five years to cover events held at the site and attendees listen to the service through tailor-made receivers that are sold or loaned by the operator. They are typically used for services such as sports commentary at sports stadiums.¹

¹ You can read more about the different types of RSLs [in the guidance on our website](#).

Spectrum planning for restricted services

- 1.4 All RSLs use spectrum to broadcast. Spectrum is the airwaves – or bands of radio frequencies – which are used by individuals and organisations for a variety of different uses, including mobile communications and broadcasting. These include the AM and FM broadcasting bands.
- 1.5 Spectrum is a scarce and finite resource, and demand for the spectrum used by broadcasting often exceeds supply. Therefore, to maximise the opportunities for SRSs and LRSs to be accommodated within the crowded FM frequency band, Ofcom reserves a particular part of the FM radio spectrum (87.7 - 87.9 MHz) for SRS and LRS use.²
- 1.6 We use these frequencies mainly for SRSs. If we allocate a frequency for an LRS, this generally means we cannot license SRSs in the area, because the services might cause interference to each other. Therefore, to optimise use of the available spectrum, our general approach is to consider applications for LRS licences on FM in areas that have had no nearby SRS activity in the past three years.
- 1.7 This means that for LRSs in particular, we have not always had sufficient FM spectrum available in a particular area to meet demand. As a result, some of those interested in providing an LRS may have been unable to secure a licence on FM, or may only have been able to provide an SRS with limited duration. This means that communities at such establishments, such as hospitals, universities or military bases, may have been under-served by dedicated radio services on FM.
- 1.8 We have also seen a change in demand for licences to provide restricted services in recent years. Since the start of the Covid-19 pandemic, interest in licences to provide restricted services has been high, particularly for drive-in events³ and we expect increased levels of interest, and hence demand for spectrum frequencies, to continue in the coming years.
- 1.9 In order to help address these issues, we have developed a new method of spectrum planning in the FM broadcasting band that enables us to identify small gaps in spectrum use for new services, amongst the existing broadcast radio services in the FM band. We refer to the spectrum in these gaps as ‘limited coverage spectrum’. We refer to the method we use to identify such spectrum and plan for its use as the ‘limited coverage method’. You can read more about the limited coverage method and limited coverage spectrum in section two below, and in the [Invitation to Apply](#) for the limited coverage trial. We have also developed a semi-automated software tool that enables us to identify these limited coverage frequencies quickly so identifying these frequencies does not materially affect the effort we can put into our spectrum planning work for conventional broadcasting services.

² Demand for FM frequencies is higher than for AM frequencies, as FM offers a higher sound quality and better immunity to interference. Most analogue radio listening is now on FM and transmission arrangements are cheaper and simpler on FM than AM.

³ Drive-in events are outdoor events such as drive-in movies which use a low power FM radio signal to transmit the movie soundtrack or voices of the event’s speakers to FM radios in attendees’ cars

- 1.10 Limited coverage spectrum can be used at specific locations, but is liable to interference from existing radio stations. This means that the coverage that can be achieved without harmful interference is constrained: it can be used at a low power (generally not exceeding 2 watts radiated power) over a short range of up to around a 1km radius. It therefore is well-suited to be used for RSLs, particularly LRSLs. Because of the limited coverage that can be achieved using this spectrum, it is not suitable for national, local and community radio broadcasts.
- 1.11 We carried out initial in-house technical tests of the limited coverage method with promising results, and in March 2021 [invited applications to participate in a wider technical trial](#). The trial has the aim of testing the use of limited coverage spectrum in a variety of different real-world situations to determine if the coverage and interference associated with the limited coverage spectrum is in line with our expectations. The results of the trial should tell us whether we can make the spectrum available by the limited coverage method to increase the supply of spectrum available for RSLs.
- 1.12 The trial started in September 2021. During the first three months, triallists were required to submit regular, detailed reports to Ofcom about any reception challenges and interference issues. After this, triallists are required to report any new interference issues if they arise.
- 1.13 We are now six months into the trial, and the results we have seen have confirmed to us that the coverage and interference associated with the limited coverage spectrum are in line with our expectations. Based on these initial trial results, we are intending to use the limited coverage planning method more widely and move forward with our proposals to simplify our approach to licensing RSLs.⁴
- 1.14 We consider that the changes proposed will further promote the optimal use of spectrum and allow more services to broadcast, helping to secure the availability throughout the UK of a wide range of broadcast services which – taken as a whole – are both of high quality and calculated to appeal to a variety of tastes and interests.
- 1.15 This document as a whole, and the analysis presented in it, constitutes an impact assessment for the purposes of section 7 of the Communications Act 2003 (“CA03”).

⁴ You can read a more detailed update on the progress of the trials in Annex 2.

2. Making more frequencies available for restricted services

This section gives more details about limited coverage frequencies and the limited coverage method.

The limited coverage method: making additional frequency resources available for RSLs

- 2.1 The main technical change in how we plan for RSLs is that we will, in future, seek to allocate limited coverage spectrum where such spectrum is available and is suitable for an applicant's proposed service. The availability of limited coverage spectrum is in addition to the FM and AM frequency resources which are already available for use by RSLs.
- 2.2 Limited coverage spectrum will be suitable for RSL licence applicants who wish to serve a small geographic area (generally not larger than an area with a 1km radius) on FM. The maximum power of a service using limited coverage spectrum will normally be between 300 milliwatts and no more than 2 watts.⁵ Our expectation is that most will typically operate at 300mW where the coverage is mostly to an outdoor location, or at 1 watt where buildings are being served. We set out the reasons that we will allocate limited coverage frequencies below.
- 2.3 For existing extended duration SRSL and LRSL licensees, we are proposing that we will issue them with a new a limited coverage frequency where one is available on the renewal of their licence. You can read more about these proposals in section three below.

FM frequency planning and spectrum congestion

- 2.4 The FM spectrum band, which covers the frequency range from just below 88 MHz to 108 MHz, is already intensively used by many radio stations across the UK and in neighbouring countries. In the UK, spectrum in the FM band supports commercial radio stations (both national and local), the BBC's national, national and local stations, community radio stations, and RSLs.
- 2.5 Because of this intensive usage, individual FM frequencies need to be re-used many times across the UK by different stations. At the same time, stations using the same (or a nearby) frequency must not cause interference within each other's coverage areas. To balance these potentially conflicting requirements, FM spectrum use must be carefully planned to maximise the number of available stations (and their coverages). Interference between stations can be minimised by ensuring that their transmitter masts are located sufficiently far apart, are physically 'screened' by intervening terrain, or by using a transmitting

⁵ Effective Radiated Power. If mixed polarisation is used the licensee can radiate up to the maximum power specified in their licence in each plane and this will normally be in the range i.e. 300mW to 2W per plane.

antenna which minimises the strength of the signals ‘beamed’ towards the coverage area of another station.

- 2.6 While this spectrum planning approach means that UK listeners can receive a range of FM stations reliably and in good quality, it does often mean that there are only limited – and sometimes no – spare frequencies available for new services to operate within the FM band.

The limited coverage method

- 2.7 The limited coverage planning method provides new opportunities for FM frequencies to be allocated to radio services which cover small geographic areas. It is a frequency planning method that enables us to identify what we refer to as limited coverage spectrum on frequencies that are interleaved with broadcast services in the FM band. This is spectrum which can be used at specific locations but which would be liable to levels of interference which will constrain coverage. The use of this spectrum does not constrain the availability of spectrum for conventional broadcast radio services.
- 2.8 Our approach to planning coverage for Commercial and Community Radio services is based on two technical criteria, both of which must be fulfilled in order for a particular location to be classed as served by a particular transmitter. First, the transmitter should deliver a specific minimum level of signal strength (or ‘field strength’) to each location within the coverage area. This is known as the ‘wanted’ field strength. Second, the wanted field strength at a given location must also be stronger, by a specified amount (known as the protection ratio), than the aggregate field strength of potentially-interfering signals from other transmitters which use the same (or similar) frequencies. Limits for both criteria are set out in our [coverage and planning policy for analogue radio broadcasting services](#). As our standard approach is based on using these defined field strengths and protection criteria to determine the extent of a service area, we are constrained to selecting frequencies that experience relatively low levels of interference from transmitters elsewhere.⁶
- 2.9 The limited coverage method does not use a single value of protected field strength to define a service’s coverage. We have decided not to be constrained by only using frequencies that experience low levels of interference. Instead, we can consider use of frequencies subject to greater levels of interference, and plan the coverage for RSLs based on where there will be enough signal from the RSL transmitters to overcome any incoming interference that is predicted to be in place at the time of planning.
- 2.10 The limited coverage method therefore allows us to identify small gaps in spectrum use, suitable for targeting small coverage areas. Whilst these frequencies will not be available on a national, regional or local coverage basis, they will be available for use in small areas

⁶ For example, the coverage of a stereo commercial radio service is defined by the areas where its field strength is equal to or above 54dB μ V/m at 10m above the ground, and any interference from other services using the same frequency elsewhere is at least 45dB less.

of typically up to a maximum of 1km radius, and will enable FM radio spectrum to be used more intensively than at present.

- 2.11 Importantly, because limited coverage services will use low powers (usually between 300 milliwatts to 1 watt), the limited coverage service itself does not reduce - or cause interference to - the coverage areas of other FM radio services.
- 2.12 In order to test the practical validity of using limited coverage spectrum for low-power RSLs, Ofcom licensed a series of 'real-world' trial services in 2021. Annex 2 contains information on these trials, as well as an update on the findings of the trial to date.

Our proposed general approach to RSL spectrum use

- 2.13 Given the low power levels which limited coverage spectrum can support, we anticipate that the spectrum will be most suitable for RSLs serving an establishment or other defined location. In addition, limited coverage spectrum may be allocated to RSLs provided for the purpose of events which require modest coverage areas and low transmitted power levels (e.g. drive-in movie events).
- 2.14 Limited coverage services will use frequencies from within the range from 88.0 MHz to 107.9 MHz inclusive. To minimise the risk of interference to other radio services, power levels will not normally exceed 2 watts Effective Radiated Power ('ERP') – and will typically be between 300 milliwatts and 1 watt. The maximum antenna height above ground level will not normally exceed 20m.
- 2.15 While existing LRSL licensees were typically constrained to operate at 50 milliwatts ERP with a maximum antenna height of 10m, we are aware that there may be shortcomings in coverage, and difficulties in remaining within these limitations, particularly on commercial buildings where some services (such as hospital radio) operate. We are therefore increasing both the power available and height at which antennas can be mounted. From our modelling of limited coverage services and our trials, we do not expect these changes to lead to any material increase in interference to other radio services provided our normal planning constraints are met as set out in our analogue coverage policy.
- 2.16 We also plan to continue to allocate 87.7 - 87.9 MHz to RSLs: these frequencies will continue to be kept available solely for use by RSLs,⁷ and will normally be used for RSLs covering events operating at higher power levels (up to 25 watts ERP, or 10 watts in urban areas) which limited coverage frequencies cannot support. Where we continue to license RSLs on these frequencies which are for broadcasts to an establishment or other defined locations, we will generally seek to limit the power to 50 mW ERP to maximise the availability of spectrum for RSLs covering events.
- 2.17 Whilst use of the limited coverage method should enable us to identify small pockets of FM spectrum throughout the UK that could be used for RSLs, and therefore should increase the availability of spectrum for these services, the use of this planning method will not

⁷ Within Great Britain: a different arrangement applies in Northern Ireland.

necessarily increase the availability of spectrum in all geographical areas. This is particularly the case in areas of congested spectrum use such as major urban centres. It will also not be of use to Community or Commercial Radio, or for RSLs seeking wider coverage areas for events (e.g. those wishing to serve a sizeable part of a town or city) because of the limited coverage achievable.

- 2.18 In cases where there is no limited coverage spectrum available for a restricted service wishing to serve an establishment or defined location, we will seek to allocate an alternative frequency at 87.7 - 87.9 MHz: this will be subject to frequency availability, including a requirement that there have been no recent licence applications for an RSL to serve an event in that area. More details on our proposals relating to this are available in section three of this document.

Mixed polarisation

- 2.19 Radio signals are transmitted in one of several possible ‘polarisations’:⁸ the type and/or orientation of the antenna(s) used determines the polarisation of the signals. Vertical polarisation, horizontal polarisation and ‘mixed’ polarisation (a combination of vertical and horizontal polarisations) have all been used for FM radio services in the UK.
- 2.20 Different polarisations have different technical characteristics – for example, vertically polarised or mixed polarisation FM signals are typically easier to receive on car aerial systems than horizontally polarised signals. Horizontal FM signals may be easier to receive on rooftop FM aerials. Most high-power FM transmitters in the UK currently use mixed polarisation.
- 2.21 We say [in our current guidance](#) that RSL providers should use vertical polarisation only. In order to increase flexibility for RSL operators, we are removing this requirement. Applicants will instead have the opportunity to request the ability to transmit mixed polarisation signals if they wish.
- 2.22 If an operator wishes to adopt mixed polarisation, they will be permitted to radiate the power specified in their WTA licence in each plane. As an example, a station licensed at 300mW could operate with 300mW radiated in the vertical plane, and 300mW in the horizontal plane.
- 2.23 In practical terms, this means that RSLs using mixed polarisation on limited coverage frequencies would not normally be licensed to operate at more than 2 watts per plane, and RSLs using mixed polarisation on 87.7 – 87.9 MHz would not be licensed to operate at more than 25 watts per plane.

⁸ Technically, polarisation refers to the orientation of the electric field component of the radio wave.

Consultation question

Question 1: Do you have any comments on Ofcom's proposals to make more frequencies available for restricted services?

3. Proposals to change our approach to licensing restricted services

This section sets out how we're proposing to approach licensing restricted services. It explains changes that we are proposing to make to the BA licence issued for restricted services, and that we are proposing to vary the BA licences of existing LRSL licensees and extended duration SRSL licensees to reflect these changes. It also details our proposal to move some low-power licensees to new limited coverage frequencies on the renewal of their licences.

Updating the Broadcasting Act licence for restricted services

- 3.1 As we've set out in section one, we currently license three types of RSLs. We recognise that navigating the different types can be complicated, particularly for those who have not done so before. The most appropriate type of licences for applicants will depend on a variety of factors such as how long they want to broadcast for, when they want to broadcast, and where. Where possible, we want to simplify our approach to licensing these services.
- 3.2 We are therefore proposing to replace the current SRSL and LRSL licence types with just one type of licence – a restricted service licence. The new licence will be a consolidation of the BA SRSL and LRSL licences and will be granted for:
 - restricted services which are broadcast for the purposes of a particular event;
 - restricted services which are broadcast to a particular establishment or other defined location in the UK.
- 3.3 A restricted service licence is only available for a service which falls into one of these categories. They are not appropriate for, and will not be issued for, the purpose of providing a long-term local radio service to a permanent residential population or community.
- 3.4 We are planning to make these changes to the licences we issue for RSLs in the second half of this year when we publish our statement. We are not planning to make any changes to the WTA licence that we issue for RSLs.
- 3.5 New licensees will be issued with this new, consolidated BA licence if their applications are successful, along with a WTA licence to authorise the use of the spectrum for the service.
- 3.6 For those who hold a licences for an LRSL or extended duration SRSL, when we publish our statement, we will be varying their BA licences to a consolidated BA licence with the

updated conditions for the remainder of their term.⁹ We consider that the consolidation we are proposing will not have any substantive effects on the rights and obligations that licensees have under their current licences. We will not be varying the existing licences for existing SRSLs, because of their short-term nature, but all new BA licences will be issued on the basis of the new licence template.

- 3.7 More information about the proposed changes to the standard form BA licence can be found in Annex 3 and the full text of the [proposed standard form BA licence](#) is available on our website.
- 3.8 We are not proposing to make any changes to the BA or WTA licences issued for ADSRSLs as we are proposing to seek broader changes to the regulation of these services, which are set out in section five.

Moving existing licensees to limited coverage frequencies

Extended duration SRSL licensees

- 3.9 Extended duration SRSLs are RSLs which are licensed to broadcast for up to 28 days of non-consecutive broadcasts from the same site, within a twelve-month period. These are typically used to cover sporting events, such as providing commentary at motor racing circuits where events are held on a series of weekends over a period of several months. We typically receive repeat applications for the same events from the same service providers each year. One pair of BA and WTA licences is granted to cover the series of events, which authorises up to 28 days of broadcasting across the licence period.
- 3.10 Using the new limited coverage method, or in some cases our standard planning approach, we have completed initial analysis of the extended duration SRSLs that we currently license. We have identified suitable frequencies for each service that cover the site being served. As such, if we receive a repeat application for a licence in respect of these existing extended duration SRSLs, we would expect to allocate a new frequency to them.
- 3.11 We are also proposing to change the basis on which we licence this type of service. Rather than granting a licence to provide an RSL in respect of a series of events, the licence will permit a restricted service broadcast to serve a named establishment or other defined location, for example, a motor racing circuit.
- 3.12 We consider this change will have the following benefits:
- the licence will be able to be held for a period of up to five years, rather than licensees having to apply (and pay the associated application fee) for a licence for every 28 days of broadcast;
 - the licence will authorise broadcasts for as many days as the licensee wants during its duration, rather than being restricted to 28 days of broadcast;

⁹ We are proposing to make wider changes to the licences we grant for extended duration SRSLs, as set out in paragraphs 4.2 and 4.3 below. These will not be among the variations which we propose to make to existing licences for extended duration licences.

- the licensee will no longer need to request approval from Ofcom for a variation of their licence if their broadcast days change within the licence term from that which they had originally planned and notified to Ofcom;
- the licensee will have continuity of access to a certain frequency for the duration of their licence, as no other applicant would be issued with the limited coverage frequency for their site;¹⁰
- the licensee will pay lower licence fees under our proposed changes to the fees for restricted services (see section six for full details).

3.13 We make clear in [the current SRS� guidance notes](#) that applicants should not assume that if they have been issued a particular frequency in the past they will get it again and that frequency allocation is at Ofcom’s discretion. We understand and have taken into account that some existing extended duration SRS� licensees will have prepared promotional materials and purchased equipment (such as transmitting antennas) which are designed to operate on a specific range of frequencies, and which may need to be modified or replaced to be able to operate on some limited coverage frequencies. We will engage with licensees affected by these proposed frequency changes to bring the changes to their attention before the end of their existing licence terms.

LRS� licensees

3.14 We are proposing to move existing LRS� licensees to a limited coverage frequency (if one is available) at the end of their existing licence term, should they apply to renew their licence. As with extended duration SRS�s, we recognise this proposal may mean equipment will need to be re-tuned and/or promotional material for the services updated, but note the specific frequency allocated to a RSL at the start of a new licence term is at Ofcom’s discretion.

Consultation questions

Question 2: Do you have any comments on Ofcom’s proposed restricted service standard form BA licence?

Question 3: Do you have any comments on Ofcom’s proposal to issue existing extended duration SRS� licensees with a restricted service licence on a new frequency at the end of their existing licence term, should they apply for a new licence?

Question 4: Do you have any comments on Ofcom’s proposal to issue existing LRS� licensees with limited coverage frequencies (if available) at the end of their existing licence term, should they apply to renew their licence?

¹⁰ Subject to any possible need to vary frequencies for normal spectrum management reasons.

4. Proposals to change the licence application process and associated guidance for restricted services

This section sets out the changes we are proposing to make to the licence application process and associated guidance notes for restricted services.

- 4.1 We are making some minor changes to the application process and associated guidance notes for licences to provide restricted services. These are set out in full in the [proposed application form](#) and [guidance notes](#) documents we have published separately. For ease, we set out the main changes in this section.

Applying for multiple licences for restricted services to cover events in one application form

- 4.2 Currently, with the exception of extended duration SRSLs, applicants can generally only apply for a licence to provide a restricted service to cover one event at a time using the SRSL licence application form. We recognise that there may be occasions when applicants want to cover separate events over a short period of time. For example, an applicant may wish to provide an RSL to cover a local event being held at the start of the summer, and another, different, local event being held at the end of summer. Or an applicant may wish to provide RSLs for drive-in movie commentaries at multiple different locations over a bank holiday weekend.
- 4.3 In line with our aim to make it as straightforward as possible for those interested in RSLs to apply for the required licences, we will allow applicants to apply for multiple restricted service licences to cover separate events using one application form. So, if an applicant is applying for licences for restricted services to cover separate events within a three-month period of the date of the first event, they will be able to do so in a single application and incur one £400 application fee charge. Separate licences will be issued for each event, if granted.

When we will accept licence applications for restricted services to cover events

- 4.4 We currently allow licence applications for SRSLs to be made 180 days (roughly six months) before the proposed broadcast start date.¹¹ We prioritise our work on SRSLs based on the broadcast start date, which means that if we do receive an application six months in advance of the broadcast start date, we may not begin our assessment of it immediately.

¹¹ Other than during periods of high demand, where we follow a different process, details of which can be found in section 5 of our [current SRSL guidance notes](#).

We recognise that this may lead to applicants not receiving any substantive updates on their applications for some weeks following their submission.

- 4.5 In recognition of this, we are reducing the period of time when we will accept licence applications for a restricted service to cover an event from 180 days to 120 days (roughly four months) before the proposed broadcast start date.
- 4.6 If an applicant is applying for multiple events in one application (as we are allowing as set out in 4.2 and 4.3 above), we will accept the application 120 days before the proposed broadcast start date of the first event.

Postponements

- 4.7 Where an SRSL licence application has been made in respect of a restricted service to be provided on a specified date, we currently allow the applicant to amend the planned broadcast date by up to twelve months without having to submit a fresh application. In order to ensure consistency with our policy on considering applications on a first-come, first-served basis, we propose to revise our guidance to state that we will only consider requests from existing applicants to postpone the planned broadcast to a start date which is within 120 days of the date of the request.
- 4.8 Most postponement requests require us to carry out further frequency planning (and so result in additional costs to Ofcom). We will therefore make clear in our revised guidance that we will only grant postponement requests in exceptional circumstances. By way of example, we granted postponements when events were cancelled because of Covid-19 restrictions. We would not expect to grant a postponement request for reasons such as lack of ticket sales.

Licence duration

- 4.9 Our [LRSL guidance notes](#) state that we will issue licences to provide LRSLs for a minimum period of one year to a maximum of five years.
- 4.10 We will be revising our guidance to remove the minimum licence term for RSLs which broadcast to an establishment or other defined location. In accordance with these revisions, this will give more flexibility in the licence terms for these services, in that we will grant licences for any specified duration, up to a maximum period of five years. We will commence proceedings to revoke licences if the annual licence fees are not paid.

Geographical limitations

- 4.11 It is currently only possible to apply for licences for LRSLs on AM for areas outside of the M25, and LRSLs on FM will generally only be available in sparsely populated areas of England, Wales and Scotland.
- 4.12 With our new limited coverage method, we believe we will be able to make some more spectrum that is suitable for use at low powers available across many more areas of the

UK. As such, we will remove the geographical restrictions we currently have in place in our revised guidance, and will accept licence applications for FM or AM restricted services serving an establishment or other defined location anywhere in the UK.

Availability of FM frequencies for restricted services

- 4.13 Under our current guidance, we say that we will consider licence applications for LRSs on FM in areas where there has not been any nearby SRSs activity in the past three years. We measure 'SRSs activity' by checking if we have received licence application(s) to provide an SRSs in an area.¹² Our purpose is to ensure that the licensing of an LRSs on FM does not inhibit our ability to license SRSs in adjacent areas where there is regular demand for them, because of the risk of the services causing interference to each other.
- 4.14 With our new limited coverage method, the risk of RSLs in an area causing interference to each other will be materially reduced. This is because, as demonstrated by the results from our trials, we will be able to use limited coverage frequencies on FM for LRSs. So, in many cases, it will be possible to provide this type of restricted service on FM, and we will also be able to issue licences for other restricted services nearby, without the services causing interference to each other.
- 4.15 There will be some areas, however, where a limited coverage frequency will not be available. We expect this to be mainly in urban areas. This is because spectrum is a finite and limited resource, and in some areas of the UK, even using limited coverage frequencies, there is no spare spectrum available.
- 4.16 We expect therefore that there will still be some limitations in terms of the RSLs we can license in some areas. Accordingly, we are amending our guidance so that where a limited coverage frequency is unavailable, we will generally consider licence applications for RSLs to be broadcast to an establishment or other defined location where there has not been an application for a licence to provide a restricted service to cover an event in the area in the previous 18 months.
- 4.17 We will introduce this 18-month check from 1 January 2024. We consider that doing so any earlier would fail to capture regular demand in an area for RSLs covering events which were cancelled during the Covid-19 pandemic. Until January 2024 we will continue to look back over a three-year period in order to be able to identify regular demand.
- 4.18 In areas where we cannot identify any available FM frequency for an RSL to serve an establishment or specified location, we will continue to offer an AM frequency where one is available.

¹² An area generally refers to a radius of 12km from the location of the proposed service in urban locations, and 20km in rural locations

The identity of the licensee

- 4.19 Our [LRSL guidance](#) currently says that the licensee for an LRSL must be a permanent, senior member of staff of the establishment being served. We recognise that in some circumstances, this may result in a person holding a licence when they are not closely involved in providing the radio service.
- 4.20 We are amending our application form and guidance notes to reflect the fact that the applicant for a restricted service must be the person or body that will be providing the service. Where this person is different to the person or body running the establishment for which the service is intended (for example where the applicant for a hospital radio service is not the Trust running the hospital), we will ask for evidence that the application has the support of the relevant establishment. Where the application is made on behalf of a company or other body, we will ask for confirmation that the individual making the application is authorised to do so.

Applications during a period of high demand when there is more than one frequency available

- 4.21 We usually consider licence applications for SRSLs, on a first-come, first-served basis. But as set out in [the current SRSL guidance notes](#), if we anticipate receiving a large number of applications for services broadcast in the same or similar geographical area during a particular period of time (we call this a “period of high demand” and an example is for the period in which Ramadan is observed), we may decide not to apply our usual first-come, first-served approach. Instead, we invite applicants to apply for a licence for the period in question around six months in advance, during a publicised application window. If we were to receive more than one application for an area, we would conduct a draw to decide which application to progress.
- 4.22 Our current policy on how we deal with applications we receive for a period of high demand is based on situations where there is only one frequency available in a geographical area. But occasionally, there may be more than one frequency available.¹³
- 4.23 We will update our guidance notes to take account of this. This may mean that we may conduct more than one draw so as to ensure that we allocate all available frequencies. We will conduct draws according to the applications we receive and in a manner which we consider is best suited to the fulfilment of our duties.¹⁴

¹³ Such additional frequencies are distinct from the limited coverage frequencies which we are proposing to begin licensing elsewhere in this consultation. Such additional frequencies generally allow higher-power allocations, and as noted above, they can only be found in a relatively limited number of locations during periods of high-demand.

¹⁴ See Annex 1.

Consultation question

Question 5: Do you have any comments on these changes to our application process, as set out in the revised guidance at Annex 4?

5. ADSRSLs and emerging short-range services

This section sets out our proposals to invite the Secretary of State to consider making an order under the Broadcasting Act 1990 which would provide an exception for audio distribution systems and emerging short-range broadcast services from the requirement to hold a BA licence.

- 5.1 Audio Distribution System Restricted Services (ADSRSLs) are currently required for the transmission of audio content for direct reception by those within a small defined area (typically locations such as a sports stadium or conference halls) using Programme Making and Special Events (“PMSE”) spectrum. These radio broadcasts are different to SRSL or LRSLs because they are broadcast on frequencies which are not used by conventional AM or FM broadcasting radio stations. Typically, operators will sell or loan tailor-made receivers to allow those attending to hear the service. Examples of this type of service include an audio distribution system for sharing the referee's comments or sports commentary at a stadium and conference translations.
- 5.2 Recently, we have seen the use of alternative technologies for transmitting sound content. For example, silent disco operators may want to transmit the music to wireless Bluetooth headphones paired nearby. We’ve also seen some other operators using technology differently, such as drive-in movie operators transmitting the movie soundtrack to cars using short range Bluetooth devices, rather than through more conventional broadcast transmissions. Other potential providers seek to use technology in more innovative ways, such as swimming instructors wanting to share instructions with those in their classes through waterproof in-ear receivers. The technology employed in this latter case is a very low power transmitter (like an iTrip) that operates on the FM band over a very short range, and is licence exempt for spectrum use.
- 5.3 These types of services fall within the definition of a restricted service under section 245 CA03 and as such would be expected to have a BA licence.¹⁵
- 5.4 Ofcom is required to ensure that holders of a BA licence comply with the Broadcasting Code (‘the Code’).¹⁶ The Code contains the standards which (amongst other matters) are intended to secure that there is adequate protection for members of the public from harmful or offensive material in broadcast content. For the reasons set out below, we consider that ADSRSLs and emerging short-range services are very low risk in terms of their potential to cause harms to members of the public for which protection is required under the Code.
- 5.5 First, these services are very restricted in terms of the coverage that they can achieve either because of the frequencies they use, the specialist equipment needed to receive the services, and/or the very low power levels used. SRSLs and LRSLs broadcast at a minimum

¹⁵ As set out in Annex 1.

¹⁶ See sections 325 and 326 of the CA03.

power of 50mW. Bluetooth operates at approximately one-twentieth of that power (2.5 mW) and licence-exempt FM transmitters at one-millionth of that power (50 nW). In other examples:

- Silent disco services usually operate by providing attendees with Bluetooth enabled headphones. The transmission is short-range, typically extending to around ten metres. The service can therefore normally only be received by those attending the silent disco using the specialist headphones.
- Some drive-in movies operate by providing attendees with devices that they connect to their car radio, which have to be paired to a Bluetooth ‘transmitter’. The transmission is short-range, typically only around ten metres. The service can therefore only be received by those attending the drive-in movie location who have paired the specialist device.
- Similarly, drive in events could make use of very low power FM devices (such as an iTrip or similar) to transmit audio to a vehicle’s radio over a short range of a few metres. Only FM radios within range would be able to tune in to the audio service.

5.6 Second, as a consequence of their very limited coverage, there is minimal risk of a member of the public inadvertently tuning in to such services, outside of the group which has opted to receive it.

5.7 Third, the content which is broadcast by means of audio distribution systems are ancillary to another service (a sports match, a conference, a swimming lesson, a drive-in movie) and therefore will be governed by the requirements of the main service.¹⁷

5.8 Taking these considerations into account as a whole, we consider that it would therefore be appropriate for the services to be subject to as light a touch regulatory regime as possible.

5.9 We are therefore proposing to ask the Secretary of State for the Department for Digital, Culture, Media & Sport (‘DCMS’) to consider making an order under section 97 BA90 which would provide an exception for these kinds of services from the requirement to hold a BA licence.¹⁸ If the Secretary of State were to accept our recommendation, it would be for the Secretary of State, after consultation with Ofcom, to determine the substance of any order under section 97(2) of the BA90 that is laid before Parliament.

5.10 If such an order is made, we would work with existing holders of ADSRSL licences to confirm what this means for their services and update the information about restricted services that we publish on our website. In the meantime, existing licensees should continue to provide their services in line with the conditions of their licences, and new applicants should refer to current ADSRSL documents available on our website.

¹⁷ We note that under s.248(2) CA03 audio content transmitted by satellite or an electronic communications network and which forms part of a bundle of services which are not provided for the purpose of providing radio or TV programmes to the public are not licensable.

¹⁸ Service providers impacted by these proposed changes should be aware that a WTA licence (authorising the use of the spectrum) would still be required, unless the service is licence exempt. Providers of ADSRSLs [require a WTA licence](#); services provided by means of Bluetooth devices and iTrips are licence exempt.

Consultation question

Question 6: Do you have any comments on Ofcom's proposal to invite the Secretary of State for DCMS to consider making an order which would provide an exception for certain services from the need to hold a Broadcasting Act licence?

6. Proposals to change the fees regime for restricted services

This section sets out the changes we’re proposing to simplify the fee structure that applies to licences for restricted services.

Current fees regime

- 6.1 We currently charge a range of different fees for licences issued to provide restricted services.
- 6.2 For SRSLs, there is an application fee of £400. In addition, there is a separate licence fee currently charged on a daily basis for each of the BA and WTA licences which these services require. The daily charging rate varies according to the power used for transmission and whether the service is broadcasting on AM or FM, as set out below:

Table 1: Current SRSL licence fees tariff

	BA fee	WTA fee	Total fees
1 Watt AM			
Daily rate	£10	£15	£25
1 Watt FM			
Daily rate	£10	£25	£35
Above 1 Watt (up to 25 Watts)			
Daily rate	£30	£40	£70

- 6.3 For LRSLs, there is an application fee of £200. There is a separate annual licence fee for each of the BA and WTA licences, that varies according to whether the service is broadcasting on AM, FM or using an induction loop, as set out below:

Table 2: Current LRSL licence fees tariff

	Annual BA fee	Annual WTA fee	Total fees
AM	£275	£100	£375
FM	£140	£100	£240
Induction loop	£140	£100	£240

- 6.4 We charge a £200 amendment fee for making changes to a licence application where we have accepted the application.

Proposed fees

6.5 We are proposing to simplify the fee structure for restricted services.

Licence fees

6.6 As set out in our [Statement of Charging Principles](#), broadcasting licence fees represent the cost of Ofcom’s functions relating to the regulation of broadcasting. They are published at the start of each financial year in [Ofcom’s tariff tables](#). Wireless telegraphy licence fees for broadcasting services represent the cost of Ofcom’s functions relating to the management of spectrum. These include, but are not limited to, spectrum planning, authorisation and enforcement. The wireless telegraphy licence fees are published in The Wireless Telegraphy (Licence Charges) Regulations 2020 (“the Regulations”).

6.7 We are proposing that for RSLs transmitting at up to and including 2 watts, we will charge a daily rate of £30 for the BA licence fee and £40 for the WTA licence fee, up to an annual limit of £210 for the BA licence fee and £240 for the WTA licence fee.

6.8 We are proposing that for RSLs transmitting at above 2 watts, we will charge a daily rate of £30 for the BA licence fee and £40 for the WTA licence fee, up to an annual limit of £900 for the BA licence fee and £1200 for the WTA licence fee.

6.9 We consider these fees, which are set out in the table below, to be an appropriate reflection of the costs we incur.

Table 3: proposed new RSL licence fees tariff

	BA fee daily rate	WTA fee daily rate	Total daily fees	BA annual limit	WTA annual limit	Total maximum annual fees
Up to 2W	£30	£40	£70	£210	£240	£450
Above 2W	£30	£40	£70	£900	£1200	£2100

6.10 We expect that most licences issued for restricted services serving establishments or other defined locations will be transmitting at up to 2 watts, and most licences issued for restricted services covering events will be transmitting at above 2 watts.

6.11 We will no longer set fees for RSLs broadcasting using induction loops. This is because there are currently no licensed RSLs using induction loops, we have not received licence applications for this type of service for many years and we do not expect to receive any in future given that the technology appears to be obsolete.

6.12 The proposed licence fee changes also remove the current position of charging different fees depending on whether the service is broadcasting on AM or FM. We consider that our costs are not currently notably different depending on the frequency on which the service is broadcast. This is not the same situation as for Commercial and Community Radio where our costs in planning and regulating serves on FM and AM have ongoing differences.

- 6.13 The proposed licence fee changes also introduce an annual upper limit of licence fees, to ensure the fees remain proportionate for RSLs which are intended to be provided over a longer period.

What this would mean for providers looking to cover an event

- 6.14 We currently issue SRSL licences for this type of service. We have reviewed recently licenced SRSLs, and our analysis indicates that with the proposed changes to licence fees, the majority of existing SRSL licensees would pay either the same in both BA and WTA licence fees, or face a reduction in BA and WTA licence fees if they broadcast for over 30 days.

What this would mean for providers looking to serve an establishment or other defined location

- 6.15 We currently issue LRSL licences for this type of service. Licensees pay an annual combined total of £375 in BA and WTA licence fees if they are broadcasting on AM (£275 for the BA licence and £100 for the WTA licence), and £240 if they are broadcasting on FM (£140 for the BA licence and £100 for the WTA licence).
- 6.16 Under our proposals, these licensees would see a small increase in the overall annual fees payable: we expect that most RSLs broadcasting to an establishment or other defined location will be transmitting at up to 2 watts. This means the annual upper limit in combined BA and WTA licence fees will be £450 (£210 BA and £250 WTA).
- 6.17 As we have set out above, the proposed licence fees do not differentiate between services broadcasting on AM or on FM. Our proposal for the BA licence fee annual upper limit of £210 represents a rounded mid-point between the current BA licence fees charged for LRSLs licensed to broadcast on AM and LRSLs licensed to broadcast on FM and as such is a reasonable attribution to restricted service licensees of the costs incurred by Ofcom in its regulation of broadcasting and spectrum respectively.

Amendment fees

- 6.18 We are not proposing any changes to the £200 fee that we charge for making changes to a licence application to provide a restricted service after the application has been accepted, but before any licence has been granted. This charge is applied when any changes are requested that do not require any frequency re-planning, such as a change to the proposed licensee.
- 6.19 Applicants should be aware that if they request changes that require frequency re-planning, such as a change to the broadcast dates or a move to a different transmission site, they will usually be asked to pay the cost of a WTA licence again.

Application fees

- 6.20 We are not proposing any changes to application fees for licences to provide RSLs, which are currently £200 for a licence application to serve an establishment or other location, and £400 for a licence application for the purpose of covering an event. Where an

applicant makes simultaneous applications for multiple licences to cover separate events (either at different locations or at different times in a three-month period, as set out in paragraphs 4.2 and 4.3 above), a single application fee of £400 will be charged.

Next steps

- 6.21 After we have considered the responses to this consultation, we will publish a statement with our decision in Summer 2022, and if these fees proposals are adopted, the new fees would come into effect on the date of publication.
- 6.22 Licences we issue after the publication of our statement will be subject to the new fees.
- 6.23 For existing LRSL licensees, the new fees will come into effect from their next annual licence fee billing date. For existing SRSL and extended duration SRSL licensees (that is, those with licences issued before the publication of our statement, where the licence fees have been paid upfront) the current fees regime would continue to apply until the expiration of their licences.
- 6.24 We will publish a consultation on updating the Regulations later in 2022. The drafting changes that will be made to the Regulations if we implement our proposals in relation to WTA licence fees for restricted services are set out in Annex 5.

Consultation question

Question 7: Do you have any comments on Ofcom's proposed fees for restricted services?

A1. Regulatory framework

A1.1 This annex provides an overview of the regulatory framework applicable to the changes and proposals set out in this consultation. Ofcom’s statutory powers and duties in relation to spectrum management are set out primarily in the CA03 and the WTA06 and in relation to broadcast services are set out in the CA03 and the BA90 and the Broadcasting Act 1996 (“BA96”).

Ofcom’s general duties – section 3 of the CA03

A1.2 Under the CA03, our principal duty in carrying out our functions is to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition. In doing so, we are required to secure a number of specific objectives and to have regard to a number of matters set out in section 3 of the CA03. These include (amongst other things) to secure the optimal use for wireless telegraphy of the electromagnetic spectrum (“spectrum”), the availability throughout the United Kingdom of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a wide variety of tastes and interests and the maintenance of a sufficient plurality of providers of different television and radio services.¹⁹

A1.3 In performing our duties, we are also required to have regard to a range of other considerations, as appear to us to be relevant in the circumstances. These include:

- the different needs and interests, so far as the use of the spectrum for wireless telegraphy is concerned, of all persons who may wish to make use of it; and
- the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the UK and of persons living in rural and urban areas.²⁰

A1.4 We are also required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, as well as to the interest of consumers in respect of choice, price, quality of service and value for money.²¹

A1.5 However, we have a wide measure of discretion in balancing our statutory duties and objectives. In doing so, we take account of all relevant considerations, including responses received during our consultation process, in reaching our conclusions.

¹⁹ S3(2) of the CA03.

²⁰ S3(4) of the CA03.

²¹ S3(3) of the CA03.

Duties for the purposes of fulfilling our obligations – section 4 of the CA03

A1.6 Section 4 requires us, when carrying out our functions relating to the management of radio spectrum to act in accordance with a number of requirements for regulation. These include the requirement to promote the interests of all members of the public in the United Kingdom.

Impact assessment

A1.7 The analysis presented in this consultation represents an impact assessment as defined in section 7 of the CA03.

A1.8 Impact Assessments provide a valuable way of assessment different options for regulation and show why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7, which means that we generally have to carry out impact assessments where there is likely to be a significant effect on businesses or the general public, or when there is a major change in our activities. However, as a matter of policy, Ofcom is committed to carrying out and publishing impact assessments in relation to the majority of its policy decisions.²²

A1.9 Specifically, pursuant to section 7, an impact assessment must set out how, in our opinion, the performance of our general duties (within the meaning of section 3 of the CA03) is secured or furthered by or in relation to the regulation we impose.

A1.10 We are separately required by statute to assess the potential impact of all of our functions, policies, projects and practices on equality.²³

Regulation of sound broadcasting services

A1.11 Under section 245 of the CA03 Ofcom has the function of regulating certain specified sound broadcasting services in accordance with the CA03, the BA90 and the BA96. The specified sound broadcasting services include restricted services which are defined in sections 245(3) and 245(4)(c) of the CA03 as:

²² For more information on our approach to impact assessments, see the guidelines [Better Policy Making - Ofcom's approach to Impact Assessment](#).

²³ Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not. Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

- a sound broadcasting service which is provided with a view to its being broadcast otherwise than only from a satellite and with a view to its being broadcast for reception;
 - within a particular establishment in the United Kingdom or at another defined location in the United Kingdom; or
 - for the purposes of a particular event taking place within the United Kingdom.
- A1.12 Ofcom has the power under section 85(1) of the BA90 to grant BA licences in respect of such restricted services and in doing so should do all we can to secure provision within the United Kingdom of a range and diversity of local services.
- A1.13 Ofcom has the power to vary conditions of such a licence under section 86(5) of the BA90 Act, in the case of a variation of the period of which the licence is to continue in force, with the consent of the licensee. In the case of any other variation the licensee should be given a reasonable opportunity of making representations about the variation.
- A1.14 Section 97(1) of the BA90 states that any person who provides any relevant regulation radio service without being authorized to do so by the relevant licence is guilty of an offence. Section 97(2) provides that the Secretary of State may, after consultation with Ofcom, make an order such that section 97(1) not apply to services listed in that order.
- A1.15 Under Section 8 of the WTA06 Ofcom has the power to grant a WTA licence for the installation or use of wireless telegraphy apparatus. The installation or use of wireless telegraphy apparatus without such a licence is, unless exempt, unlawful.

Setting annual fees for Broadcast licences and Wireless Telegraphy Act licences

- A1.16 Section 87 of the BA90 Act gives Ofcom the power to set conditions in BA licences requiring the payment of fees in accordance with a tariff fixed and published by Ofcom. The [tariff tables](#) for 2021/22 and previous years are available on Ofcom's website.
- A1.17 Under Section 12 of the WTA06, a person who is granted a WTA licence, or in respect of its variation, must pay to Ofcom such sums as Ofcom may prescribe by regulations. The fees currently in place are set out in the [Wireless Telegraphy \(Licence Charges\) Regulations 2020](#).

A2. Limited coverage trials update

Background

- A2.1 Ofcom initially tested the technical feasibility of using limited coverage frequencies through in-house laboratory and field work. In order to validate the approach more widely, in 2021 [we invited applications to participate in a ‘real-world’ trial](#) of services using the limited coverage approach. The trial aims to test the use of limited coverage spectrum in a variety of different situations to see if the coverage and interference associated with the limited coverage spectrum is in line with our expectations, and therefore, whether we can use the limited coverage planning method to increase the supply of spectrum available for RSLs that only need to serve small areas.
- A2.2 The licences for the trial services commenced in September 2021 and will run for 12 months. Participants were required to provide reception reports during the first three months of the trial that Ofcom could use to validate and adjust its planning model. Thereafter, participants are required only to keep records, and report instances of interference or poor reception during the remainder of the trial period.
- A2.3 Although the trials are still ongoing, they have already shown us that the limited coverage method works well, and that it can provide opportunities for new low-power frequency allocations to be used without causing interference to existing stations. It has also shown that the limited coverage method delivers coverage which is in line with our expectations, and therefore gives us sufficient confidence to adopt the approach more widely.

Participants

- A2.4 The table below lists the trial participants²⁴ and their locations.

Table A1: List of limited coverage trial participants

Establishment	Service name	Location
Harrogate District Hospital	Harrogate Hospital Radio	Harrogate
Derriford Hospital	Hospital Radio Plymouth	Plymouth
East Surrey Hospital	Radio Redhill	Redhill
Leicester General Hospital	LCR2	Leicester
Stoke Mandeville Hospital	Stoke Mandeville Hospital Radio	Aylesbury
George Eliot Hospital	Anker Radio	Nuneaton

²⁴ One triallist had to withdraw from the trial early due to an issue with the location of their transmitting antenna. Another triallist experienced significant delays in coming on-air due to electricity supply issues.

Establishment	Service name	Location
St Margaret's Hospital	Forest Gold Radio	Epping
University of York campus	University Radio York	York
Gilwell Park - Scout Association headquarters	Scout Radio	Chingford
Bovington military base	BFBS Blandford	Bovington
Shorncliffe military base	BFBS Gurkha Radio	Dover
Osborne Stable Block Business Park	Our Island Radio	Isle of Wight

- A2.5 The trial locations represent a varied set of environments. While the majority of triallists operate at hospitals, there is significant diversity within this group in terms of building types, heights and construction, as well as in the overall size of the hospital estates. Other trial sites include a large university campus, the Scout Association headquarters, military bases and a small business park.
- A2.6 We therefore consider that the triallist sites are broadly representative of the range of establishment (or other defined locations) situations which we would expect to allocate limited coverage spectrum to in our permanent licensing regime.

Trial's progress and findings

- A2.7 We asked trial participants to provide us with monthly feedback during the first three months of the trial. We provided triallists with a template coverage feedback report to complete that provided us with feedback on what kind of devices are used to receive the service, whether coverage was as expected as well as any areas where reception was poor or was subject to interference. This allowed us to monitor the progress of the trial in a structured way.
- A2.8 It was particularly important for us to know whether the coverage achieved by each trial was meeting triallist's expectations, and whether it was in line with our own technical modelling.
- A2.9 The transmission power levels that we initially allocated to each trial were relatively conservative, but we offered power increases to triallists if their feedback showed reception issues or shortfalls in signal coverage. Eight of the 11 trials have increased in power to date, and the majority of triallists are now operating at either 1 watt or 1.5 watts (and most of the trials operating at these power levels are hospital sites).
- A2.10 One triallist withdrew from the trial after only a short period on air due to circumstances beyond their control. They had however reported satisfactory reception was being achieved within a business park at a power of 50 milliwatts (mW). This indicates that lower

power levels such as these are likely to be suitable for many types of 'low density' environments.

- A2.11 Feedback from triallists indicates that the current power levels are delivering generally satisfactory coverage. This gives us confidence that our proposed power levels for licensing limited coverage frequencies (normally 300 milliwatts to 1 watt, with a maximum power of 2 watts) are appropriate.
- A2.12 The trials have been, as of March 2022, running for six months, with triallists obliged to notify us of any interference they have experienced. We have not received reports of either interference to the trial services, or of the trials causing interference to other radio services.

Further observations

- A2.13 Having received feedback on the coverage achieved by the trial services, we have amended our limited coverage method to simplify the method we use for selection of power to RSLs. In general, we expect 300mW to be sufficient for RSLs serving areas that are not densely developed or are seeking largely outdoor coverage. For large buildings such as hospitals, we expect normally to allocate 1W, and up to 2W if proven necessary.
- A2.14 One of the trials serves a large university campus, and its transmitter was not able to cover the entire campus site. This is primarily due to the size and topography of the site, and location of the transmitter. This finding is consistent with our own technical modelling which predicted that this would be the case, and demonstrates some of the practical limitations of low power RSLs.
- A2.15 Given the temporary nature of the trial, some trial participants were not able to commit the resources needed to fully optimise their transmitter systems – in particular the locations chosen for aerial systems could have been more favourable in some cases. These resource constraints are likely to be less of an issue in non-trial situations where services have the certainty of a longer licence term.

A3. Restricted service standard form licence changes

- A3.1 Under section 3(4)(b) of the BA90 Ofcom can change the conditions of licences, and include new conditions, by varying them, provided licensees have been given a reasonable opportunity to make representations about the proposed changes. This consultation gives existing restricted service licensees and other interested parties the opportunity to do so.
- A3.2 As set out in section three we are planning to make changes to the licences we issue for restricted services in the second half of this year, other than for ADRSLs. We are not planning to make any changes to the WTA licence that we issue for restricted services.
- A3.3 The [ADRSRL licence template](#) is not affected by the changes we are proposing in this consultation, and is available on our website.
- A3.4 The proposed, consolidated [standard form Broadcasting Act restricted service licence](#) can be available in full on our website. We detail the main changes below.

Provision of restricted service by the licensee

- A3.5 The current SRSL and LRSL licence states:
“Condition 2(1) The Licensee shall provide the Licensed Service specified in the Annex for the licence period.”
- A3.6 We are proposing to replace this wording with:
“Condition 2(1) The Licensee is hereby authorised to provide the Licensed Service specified in the Annex for the licence period.”
- A3.7 The current LRSL licence states:
“Condition 2(2) The programmes, taken over any three consecutive hour period, must be mainly relevant to the host establishment.”
- A3.8 We are proposing to replace this wording with:
“Condition 2(2) To the extent that the licensed service is granted to serve an establishment or other defined location, the programmes, taken over any three consecutive hour period, must be mainly relevant to the host establishment.”

Standards complaints

- A3.9 The current LRSL licence states:
“Condition 18(2) The Licensee shall for a period of 12 months keep a written record of any complaints referred to in Condition 18 (1) above and of any response given by the Licensee in relation to any such complaint and shall make such record available to Ofcom at such times as Ofcom may reasonably require.”

A3.10 We are proposing to replace this wording with:

“Condition 18(2) To the extent that the licensed service is granted to serve an establishment or other defined location, the Licensee shall for a period of 12 months keep a written record of any complaints referred to in Condition 18 (1) above and of any response given by the Licensee in relation to any such complaint and shall make such record available to Ofcom at such times as Ofcom may reasonably require.”

Surrender

A3.11 The current SRSL licence states:

“Condition 23 The Licensee may by notice served on Ofcom and taking effect either from the time of service or on a date specified in the notice surrender the Licence.”

A3.12 This condition is not in the current LRSL licence. For the proposed new restricted service licence, we are proposing to include this condition.

Equal opportunities and training

A3.13 The current LRSL licence states:

“Condition 23

(1) The Licensee shall make, and from time to time shall review, arrangements for:

(a) promoting, in relation to employment with the Licensee:

(i) equality of opportunity between men and women and between persons of different racial groups; and

(ii) the equalisation of opportunities for disabled persons; and

(b) training and retraining persons whom they employ in or in connection with the provision of the Licensed Service or the making of programmes for inclusion in the Licensed Service.

(2) The Licensee shall take appropriate steps to make those affected by the arrangements to be made in accordance with Condition 23 (1) aware of them including publishing the arrangements in such manner as Ofcom may require.

(3) In particular (but without limiting the generality of the foregoing) the Licensee shall from time to time (and at least annually) publish, in such manner as they consider appropriate, their observations on the current operation and effectiveness of the arrangements required by virtue of this Condition.

(4) The Licensee shall, in making and reviewing the arrangements made in accordance with Condition 23 (1), have regard to any relevant guidance published by Ofcom as revised from time to time.

(5) This Condition 23 shall apply if the requirements of Sections 337 (7) and (8) of the Communications Act are satisfied in the case of the Licensed Service.

(6) Ofcom will treat the Licensee's obligations under Conditions 23 (1) to (5) above as discharged where a member of a group of companies to which the Licensee belongs has discharged those obligations in relation to employment with the Licensee."

A3.14 This condition is not in the current SRSL licence. For the proposed new restricted service licence, we are proposing to include this condition.

A3.15 We note that the condition only applies if the requirements of Sections 337(7) and (8) CA03 are satisfied in the case of the Licensed Service. These set out that the threshold for Section 337 applying to a service is if the licensee employs, or is likely to employ, more than 20 people in connection with the provision of the licensed service and if the licence authorises the service to broadcast for over 31 days. These requirements are unlikely to be met by SRSLs.

A4. Proposed revisions to our application forms and guidance notes

- A4.1 The [proposed new application form](#) is available on our website alongside this consultation, and if the proposed changes are adopted, would replace the existing [SRSL application form](#) and [LRSL application form](#). For completeness, we are also updating our [ADS-RSL application form](#) to make it consistent with the proposed new application form. The updated [ADS-RSL application form](#) is also available alongside this consultation.
- A4.2 The [proposed new guidance notes](#) are also available, and if these proposed changes are adopted, would replace the existing [SRSL guidance notes](#) and [LRSL and ADSRSL guidance notes](#). For completeness, we are moving the [ADS-RSL guidance notes](#) to a separate document, which is available alongside this consultation.

A5. Proposed revision to the Wireless Telegraphy (Licence Charges) Regulations 2020

A5.1 Schedule 2 of the Regulations currently states that the WTA licence fees for restricted radio services are:

Class of licence	Variable sums	Prescribed payment interval
Restricted Radio Services Transmission (Class A—Freely Radiating)	(a) £15 per day for each medium wave broadcasting band frequency. (b) £25 per day where the erp does not exceed 1 Watt for each VHF broadcasting band frequency. (c) £40 per day where the erp exceeds 1 Watt for each VHF broadcasting band frequency.	
Restricted Radio Services Transmission (Class B—Radiating Cable)	£100	12 months
Restricted Radio Services Transmission (Class C—Freely Radiating Very Low Power)	£100	12 months

A5.2 If the proposals set out in this consultation are adopted, we would consult on replacing these restricted service provisions in the current Regulations with:

Class of licence	Variable sums
Restricted Service	(a) £40 per day for a service transmitting at up to and including 2 Watts, up to an annual upper limit of £240 (b) £40 per day for a service transmitting at above 2 Watts, up to an annual upper limit of £1,200

A6. Responding to this consultation

How to respond

- A6.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 9 May 2022.
- A6.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/restricted-services-proposals-to-increase-available-spectrum-and-simplify-licensing>. You can return this by email or post to the address provided in the response form.
- A6.3 If your response is a large file, or has supporting charts, tables or other data, please email it to rsls@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#). This email address is for this consultation only, and will not be valid after 9 May 2022.
- A6.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- RSL Review
Broadcast Licensing Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A6.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A6.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A6.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A6.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A6.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 9. It would also help if you

could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

- A6.10 If you want to discuss the issues and questions raised in this consultation, please contact Ofcom's Broadcasting Licensing team by leaving a message on 020 7981 3002 or by email to rsls@ofcom.org.uk.

Confidentiality

- A6.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.
- A6.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A6.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A6.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A6.15 Following this consultation period, Ofcom plans to publish a statement in Summer 2022.
- A6.16 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A6.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 7.
- A6.18 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A6.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A7. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A7.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A7.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A7.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A7.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A7.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A7.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A7.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A8. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A9. Consultation questions

Questions by section

Section 2: Making more frequencies available for restricted services

Question 1: Do you have any comments on Ofcom's proposals to make more frequencies available for restricted services?

Section 3: Proposals to change our approach to licensing restricted services

Question 2: Do you have any comments on Ofcom's proposed restricted service standard form Broadcasting Act licence?

Question 3: Do you have any comments on Ofcom's proposal to issue existing extended duration SRSL licensees with a restricted service licence on a new frequency at the end of their existing licence term, should they apply for a new licence?

Question 4: Do you have any comments on Ofcom's proposal to issue existing LRSL licensees with limited coverage frequencies (if available) at the end of their existing licence term, should they apply to renew their licence?

Section 4: Proposals to change the licence application process and associated guidance for restricted services

Question 5: Do you have any comments on these changes to our application process, as set out in the revised guidance at Annex 4?

Section 5: ADSRSLs and emerging short-range services

Question 6: Do you have any comments on Ofcom's proposal to invite the Secretary of State for DCMS to consider making an order which would provide an exception for certain services from the need to hold a Broadcasting Act licence?

Section 6: Proposals to change the fees regime for restricted services

Question 7: Do you have any comments on Ofcom's proposed fees for restricted services?