

Extension procedure for existing Community Radio licensees

The Community Radio (Amendment) Order 2015 (the 'legislation') came into force on 27 March 2015. The legislation can be found at: <http://www.legislation.gov.uk/uksi/2015/1000/made>

The 2015 Order makes new provisions for renewal of community radio licences by giving Ofcom the power to extend community radio licences for a period of not more than five years on two consecutive occasions:

Section 253A of the Communications Act 2003 provides that an application for an extension may only be made within a period beginning 18 months prior to the expiry date of the existing licence, and ending six months before that date.

Section 253A provides that, where Ofcom receives an application for the extension of a community radio licence, it shall extend the licence for such a period (not exceeding five years) as it thinks fit, if it is satisfied as to the following matters:

- “(a) the ability of the licence holder to maintain the service for the period of the extension; and*
- (b) the likelihood of a contravention by the licence holder of a requirement imposed by a condition included in the licence by virtue of section 106 of the 1990 Act. □*

Section 106(1) of the Broadcasting Act 1990 provides that a community radio licence shall include “*such conditions as appear to OFCOM to be appropriate for securing that the character of the licensed service, as proposed by the licence holder when making his application, is maintained during the period for which the licence is in force*”. For community radio licences, this is essentially referring to the ‘key commitments’ section of each station’s licence. Therefore, in considering any application for extension of a community radio licence, we will need to consider the likelihood of a licensee breaching any of its key commitments

Applying for a licence extension

We will write to each licensee when the relevant 'window' for its first and second licence extensions opens and invite it to send us a written request for an extension on each occasion. In each letter we will set out the process, dates and deadlines, and confirm what information we require the licensee to submit.

We have produced a short application form which asks for:

- The station's predicted income and expenditure for the year starting from the expiry date of the current licence;
- Information about the licensee's financial situation at the time of applying; and
- The licensee's commitment to continue to deliver its key commitments (section 106 of the Broadcasting Act 1990).

In addition we require:

- Information about the company holding the licence, i.e. a completed and signed original declaration form. This is required so that we may check that the company and the directors comply with ownership and other requirements in the Community Radio Order and the Broadcasting Act 1990;
- Latest annual accounts (if applicable); and

- Such other information as may, on a case by case basis, be relevant in determining the above criteria.

No application fee is required for an application for a community radio station licence extension.

Information that Ofcom will consider

When considering a request for a licence extension we will take account of the information that a licensee sends us as referred to above (application form, original declaration and company accounts). In addition Ofcom will take into account the following information that we have on file:

- The licensee's annual reports which relate to its past delivery of key commitments and financial matters; and
- The licensee's regulatory record, insofar as it is relevant to satisfying ourselves with regard to the statutory criteria referred to above.

Further information

In addition to the information specified above, Ofcom may contact you for further information in order to assess your application for an extension of your licence. This may be, for instance, where Ofcom needs to clarify the information you have provided in this application form.

Data Protection

We require the information requested in the application form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's General Privacy Statement www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement for further information about how Ofcom handles your personal information and your corresponding rights

Making a decision

We will consider applications as soon as is reasonably practicable. However, applicants should be aware that it will sometimes take some time to make a decision if, for example, we need to seek clarification about an application or related matters. When we have made a decision, we will write to the licensee. In addition, we will announce licence extension decisions in our Radio Broadcasting Monthly Update.

For further information, please contact the community radio team at community.radio@ofcom.org.uk

February 2010; revised May 2018