

Radio Restricted Services and 55 to 68 MHz: A Consultation

Consultation

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Section 1

Executive summary

- 1.1 The licensing of radio restricted service licences (RSLs) is an area of broadcast radio licensing which has not been reviewed since the establishment of Ofcom in 2003. As a result RSL licensees may face more of a regulatory burden than necessary, and have less than the optimum level of flexibility. This consultation reviews the licensing of RSLs with the aim of proposing some options to resolve these issues and introduce a more consistent approach across radio licensing.
- 1.2 In addition, since 2004 Ofcom has been running a trial for audio distribution system (ADS) services with restricted coverage using what was formerly¹ defined as non-broadcast spectrum. This trial is due to close at the end of August, and this consultation considers whether, and if so how best, to implement a permanent scheme for this type of service.
- 1.3 This document also seeks views on the policy that Ofcom should adopt in relation to the potential release of up to 8 MHz of unused spectrum in the 55 to 68 MHz band. This issue is linked to other issues discussed in this document because one potential use of the unused spectrum is additional capacity for ADS services. However, other uses are also technically possible, and this document therefore seeks views on the approach that Ofcom should take to the release of the band.
- 1.4 In relation to each section of this consultation we make the following proposals and invite commentary on the following issues:

Radio Restricted Service Licences (RSLs)

- 1.5 RSLs are either temporary (usually for up to 28 days) broadcast radio licences serving a relatively small geographic area (S-RSLs) or longer term (five year) radio broadcast licences serving a single establishment, for example a hospital or university campus (L-RSLs).

Proposals regarding Short-term RSLs (S-RSLs)

- To reduce restrictions on licensing S-RSLs in areas where Ofcom is advertising a new commercial radio licence or where a new commercial or community radio service has been, or is due to be, launched. Specifically, the only rule which will apply is that:
 - no S-RSLs will normally be licensed within the coverage area of any new commercial or community radio service from one month prior to the launch to three months after the launch.
- We invite respondents to this consultation to outline what they believe to be the most appropriate means of deciding between multiple applications for S-RSLs covering the same event in the same place on the same dates (e.g. Ramadan

¹ The Communications Act 2003 removed the distinction between broadcast and non-broadcast spectrum.

broadcasts). However, should no better alternative emerge from this consultation, we propose to continue to draw lots. Should this be the case, we also propose that these draws (one for each location where we receive multiple applications for the same event) would be made in public at a different location each year.

- Given the increasing pressures on FM spectrum for commercial and community services, we do not at present propose to change our policy on the duration, maximum power level or number of S-RSLs that a group may operate, as we do not have the capacity to support any increase in demand for these licences. However, we invite respondents to comment on any other aspects of short-term restricted service licensing.

Proposals regarding Long-term RSLs (L-RSLs)

- To allow commercial establishments to be granted L-RSLs
- To allow for a shorter L-RSL licence period if required.
- We intend to maintain the rule prohibiting editorial acknowledgement of overspill coverage outside the establishment for which an L-RSL is granted.
- The areas in which L-RSLs will be licensed on FM will not be expanded. However, we invite respondents to comment on any other aspects of long-term restricted service licensing.

Audio Distribution Systems (ADS)

- 1.6 ADS are very short-range services (for use within a particular building) which share the spectrum between 60.75 to 62.75 MHz with Programme Making and Special Event (PMSE) users. They are usually available on a commercial basis (the mobile receivers are sold to users) to enable spectators at a particular sports event to listen in to the referees' commentary, or to hear a relay of content which is already subject to the provisions of a Broadcasting Act licence. However, there are alternative uses, for example translations of a conference presentation. ADS may not be used for self-generated content or commercial messages. ADS are licensed for multiples of five days. There is no restriction (other than frequency availability) on how many consecutive licences any individual or company may hold.

Proposals

- To license ADS as restricted services under the Broadcasting Act, as well as under the Wireless Telegraphy Act, and to remove the current restrictions on the carriage of both self-generated content and commercial messages.
- To allow use of the band 60.75 to 62.75 MHz for the use of 'ADS-RSLs' on a non-interference, non-protection basis; that is, 'ADS-RSLs' must not cause interference to, and will not receive any protection from interference caused by, PMSE use of this spectrum.
- To maintain power levels at current levels (typical effective radiated power of 0.5 to 1.0 watt).
- To continue to remind ADS licensees of the potential for interference into their receivers and the appropriate remedies.

- To maintain the current arrangements which involve publicising those events where it can be anticipated that heavy programme-making use of the spectrum will preclude the provision of any ADS licences.
- To allow a degree of discretion (on a case-by-case basis) regarding whether it is appropriate to issue longer-term 'ADS-RSLs'.
- To allow site-based (not linked to a particular event) 'ADS-RSLs', where circumstances permit.
- We do not intend to change the current requirement that licence applications can only be made within three months of the proposed licence start period or to permit 'roaming' 'ADS-RSLs'², as this would unduly sterilise the availability of spectrum for programme makers and other ADS users.
- To allow for the possibility that other frequency bands may be used to provide ADS, or other restricted broadcast services, subject to users being licensed as restricted services under the Broadcasting Act and any other particular regulatory requirements (e.g. the need for a Wireless Telegraphy Act licence or to pay any associated fees) relating to the spectrum used. These would need to be considered by Ofcom in light of the relevant circumstances at the time.

Unused Spectrum between 55 and 68 MHz

- There is spectrum in the 55 to 68 MHz band that is very little used. Specifically, this includes two blocks of 4 MHz, one below and one above the 60.75 to 62.75 MHz band mentioned above.
- Spectrum is generally in short supply, and in many frequency ranges there is a large imbalance of supply and demand. It is therefore important to consider whether there is demand to bring this unused spectrum into use, and if so how this might be done.
- Ofcom considers that there are a number of potential uses for this frequency range. One potential use is as additional capacity for 'ADS-RSLs'. It is likely that the equipment used for these services in the 60.75 to 62.75 MHz range could readily be re-designed to use frequencies that are elsewhere in the 55 to 68 MHz band. However, other uses are also possible including private business radio applications. The adjacent 68 to 87.5 MHz range is used by a number of civil business radio applications, as well as for emergency service and defence use. There is also some use of similar frequencies for broadcasting in other countries, and use for PMSE may also be possible.

² By 'roaming' we mean the use of a particular frequency in different places across a large predefined area (e.g. across a region or even the whole country).

- Ofcom is seeking views from respondents on a number of matters including:
 - alternative uses for these unused frequencies
 - the level of interest in accessing these frequencies
 - whether Ofcom should make the spectrum available for licensed use, and if so on what basis.
- If the spectrum were to be released for use, Ofcom would need to address a range of issues, including the nature of any licence (technical conditions, licence duration, etc), and the mechanism for releasing the spectrum. Alternatives in the last respect include a first come, first served process, and possible award by auction. This document does not contain proposals on these matters, as the first step is to ascertain the level of interest (if any) in use of the frequencies.

Section 2

Background

- 2.1 This consultation seeks to assess three distinct matters, all of which relate to restricted radio broadcasting:
- the licensing and regulation of restricted radio services;
 - whether to license Audio Distribution Systems once the trial for this type of licence ends, and if so what the most appropriate licensing process would be; and
 - evidence of demand for the currently unused spectrum at 55 to 68 MHz, one potential use of which could be Audio Distribution Systems.
- 2.2 A separate but linked consultation document assesses whether, and if so how best to license Community Audio Distribution Systems once the trial for this type of licence ends. This document, which has a five-week rather than ten-week consultation period, can be found at:
http://www.ofcom.org.uk/consult/condocs/cads_scheme/
- 2.3 The licensing of radio restricted service licences (RSLs) is an area of radio licensing which has not been reviewed since the establishment of Ofcom. As a result RSL licensees may face more of a regulatory burden than necessary, and have less than the optimum level of flexibility. The first section of this consultation reviews the licensing of RSLs, and makes proposals designed to reduce the regulatory burden placed upon them (where it is possible to do so) and introduce a more consistent approach across radio licensing.
- 2.4 The second section of the consultation assesses Audio Distribution Systems (ADS). Since June 2004 Ofcom has run a trial for ADS using what was formerly³ defined as non-broadcast spectrum. This trial is designed to allow very short range transmission (for example, within a stadium) of existing content that is already subject to the provisions of a Broadcasting Act licence, or to relay content developed for another purpose such as the speech of a sports referee communicated via high-powered radio microphones or the translation of a foreign language event. The trial will end on 31 August 2006 and we are now considering whether we should offer a more permanent means through which to meet the demand for this type of service.
- 2.5 The third section of this consultation considers the characteristics of the currently unused spectrum between 55 and 68 MHz, and calls for evidence of demand for this spectrum.
- 2.6 The impact assessment in Annex 5 considers the regulatory options pertaining to each of these areas.

³ Op cit, Communications Act 2003

Section 3

Radio Restricted Service Licences (RSLs)

History of RSLs

- 3.1 The Communications Act 2003 defines radio restricted services as “being broadcast for reception within a particular establishment in the United Kingdom or at another defined location... or for the purpose of a particular event within the United Kingdom” (Section 245 (4)(c)). In addition, with regard to the issue of licences for such services, the Broadcasting Act 1990 (as amended) says that an application “shall be made in such a manner as Ofcom may determine” (Section 104(6)). Prior to 1991 the Home Office issued a small number of licences per year for coverage of events, but at very low power levels, as well as licences for hospital and campus radio services on induction loop systems (rather than freely radiating on the AM and FM wavebands). Between 1991 and the end of 2003, RSLs were administered by the Radio Authority. This role was then passed on to Ofcom.
- 3.2 Ofcom has continued to develop the RSL licensing regime, and there are now various categories of long and short-term RSLs available:
- Short-term RSL above 1 Watt erp (up to 25 Watts) on FM
 - Short-term RSL up to 1 Watt erp on FM
 - Short-term RSL 1 Watt emrp on AM
 - Short-term RSL up to 1 Watt erp on FM for in-stadia use for sports events
 - Short-term RSL 1 Watt emrp on AM for sports events for non-consecutive dates
 - Long-term RSL up to 1 Watt emrp on AM, freely-radiating
 - Long-term RSL on AM, via an induction loop system
 - Long-term RSL at 50 milliWatts erp on FM
- 3.3 Short-term RSLs (S-RSLs) are issued for the purposes of providing a radio service during a particular event, or at a defined location, while long-term RSLs (L-RSLs) are issued for broadcasts within a particular establishment.
- 3.4 The 87.7 to 87.9 MHz sub-band is currently set aside by Ofcom for the use of RSL broadcasters. Other spectrum (on the FM and AM wave bands) is also used for RSLs, wherever it is available. However, the availability of suitable FM frequencies outside the RSL sub-band is declining. For example, many community radio services are being licensed on frequencies that may have been used for S-RSLs in the past. Therefore, we have concluded that it would be unwise to change our policy regarding the duration, permitted number of licences and technical aspects of RSLs, because we do not have the capacity to support any increase in demand for these licences.
- 3.5 Therefore we do not intend to revise our policy on the issue of RSLs in the following areas, at present:
- The duration of S-RSLs; this will remain at a maximum of 28 consecutive days (with the same few exceptions that currently apply).
 - The number of S-RSLs a group may operate; this will remain at two per year everywhere except Greater London (within the M25) where the limit is one per year

(because the availability of suitable frequencies in London is generally worse than elsewhere).

- The power levels of S-RSLs and L-RSLs; the current maximum on FM (for S-RSLs, an effective radiated power or e.r.p. of 25 watts, for L-RSLs, an e.r.p. of 50mW) and AM (1 watt emrp) will be maintained.
- The areas in which L-RSLs will be licensed on FM will not be expanded.

3.6 The longer-term future of RSLs, and the future use of the 87.7 to 87.9 MHz sub-band, will be considered within the 'Future of Radio' project which Ofcom has recently commenced.

Purpose and use of Short-term RSLs (S-RSLs)

- 3.7 In the early 1990s around a third of S-RSLs were issued as 'trial' licences for groups wishing to prepare to apply for a commercial radio licence. The remaining two-thirds were for various events and other special projects, such as sports and arts events, fairs and festivals, school or training projects, air shows, charity fund-raising and so on. The number of applications for commercial radio trial services is now comparatively low, but there has been a rise in demand for other reasons, notably S-RSLs for religious purposes and community projects. Around 500 licences are issued each year, the vast majority on FM. As indicated above, the main limitation on the number of short-term licences issued is a lack of available FM spectrum. This scarcity is particularly acute in London, where groups are limited to one licence per year (elsewhere groups may broadcast twice a year). The normal maximum licence period is 28 days; licence fees are charged by the day.
- 3.8 Ofcom's current policy (which it inherited from the Radio Authority) is that S-RSLs are issued on demand, on a first come first served basis, subject to applicants meeting the licensing criteria, which are set out in Ofcom's document 'Short-term RSLs: Notes for Applicants'. S-RSLs are generally licensed for up to 28 days taken consecutively (although 32 days is customarily permitted for coverage of Ramadan and Eid), although a licence to broadcast for 28 days non-consecutively is available for sports events spread over a season, e.g. football or motor racing. These are made available on AM only. In addition, a very low-powered 28-day (non-consecutive) FM licence is available for in-stadium use only.

Characteristics of S-RSLs

- 3.9 As illustrated above, short-term RSLs are used for a variety of reasons, and by a diverse range of individuals and groups. Unlike other radio licences, they favour the hobbyist, the non-corporate group, or those without broadcasting experience because they:
- are available on demand (subject to meeting the licensing criteria, and the availability of suitable frequencies);
 - are generally not awarded in competition with other applicants, as local and community radio licences may be (although there are exceptions; see paragraphs 3.22 to 3.27 below);
 - can be held by an individual, unlike commercial and community licences which must be held by a corporate body such as a limited company;

- are temporary, which suits most users, for example those wishing to broadcast during an event, or period of religious observance;
- are an excellent means of gaining radio broadcasting experience, and are used by groups preparing to apply for a longer term licence, such as a commercial or community radio licence, as well as schools and other educational bodies.

S-RSLs licensed in 2005

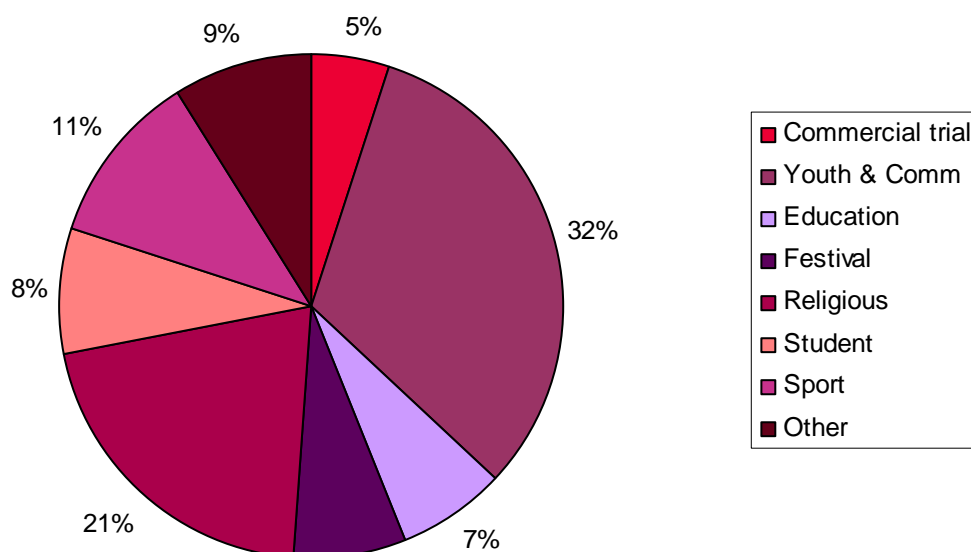
3.10 Having received 585 applications, Ofcom issued a total of 498 S-RSLs in 2005. This is an increase of ten on the number issued in 2004. 15 applications were cancelled prior to issue by the applicant group, and 72 were rejected by Ofcom. The most common reasons for rejecting an application were that the dates required were not available and a change of dates was not appropriate, or that a suitable frequency was not available for the required period.

3.11 The trends noted for 2005 are summarised below:

- The most popular reason for running an S-RSL was to provide a temporary community radio service. A third of groups licensed for this purpose specifically stated that they had applied, or intended to apply, to Ofcom for a five-year community radio licence, and the S-RSL was to help them prepare.
- The second most popular reason was for coverage of religious events. 106 licences were issued for Christian, Muslim, Jehovah's Witness, Sikh and Hindu religious events.
- There has been a significant decrease in the number of licences issued for trials by groups preparing to apply for a commercial radio licence. Demand has fallen by 49% from last year.

3.12 S-RSLs were issued for the following reasons in 2005:

Figure 1: Types of S-RSLs in 2005



Source: Ofcom

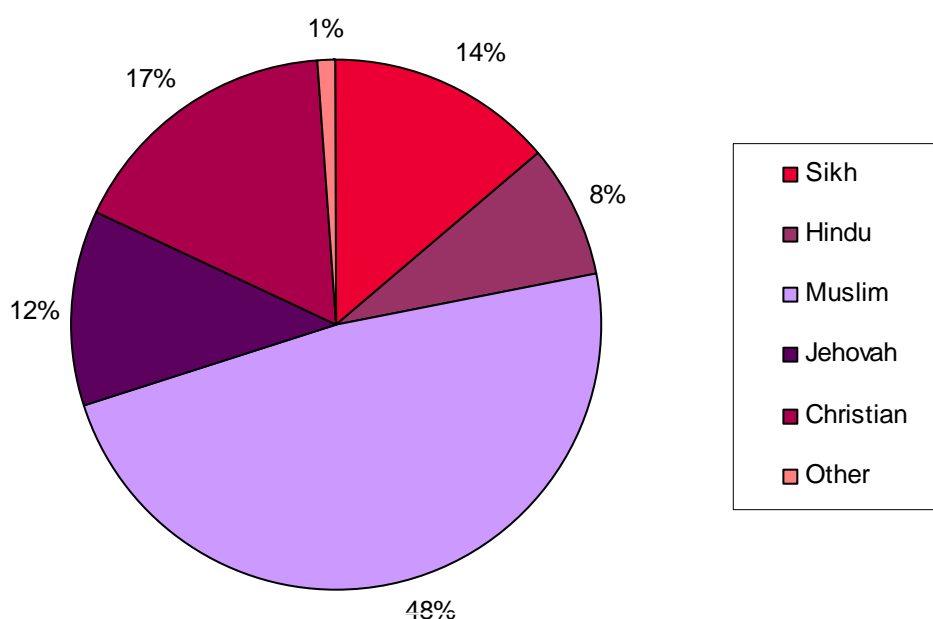
Community services (166 - including 52 specific trials)

Interest in running temporary community services has continued to grow from previous years. 33% of S-RSLs issued in 2005 were for community broadcasts showing an increase of 5% percent over 2004. The types of organisation running community S-RSLs include youth groups, regeneration schemes, health and welfare projects and ethnic minority support groups. The introduction of five-year community radio licences appears to have generated additional demand for S-RSLs. Such groups are keen to get broadcasting experience, test the demand for a service and generate interest.

Religious purposes (106)

106 S-RSLs for religious purposes represents a slight increase on the previous year's figure of 103. S-RSLs for Muslim communities were the most popular and accounted for nearly half of all such licences issued (see the chart below for a full breakdown). Among the religious events covered were Ramadan and Eid, Hajj, Milaad, Vaisakhi, Diwali, Christmas, Easter, and annual religious conventions.

Figure 2: Religious S-RSLs in 2005



Source: Ofcom

Sports events (56)

Demand for licences to cover sports events increased by 13% over the previous year. 56 licences were issued for coverage of events including; football and rugby matches, the Wimbledon tennis championship, yachting regattas, motor sports, the mountain bike world cup, a surfing competition, and lawnmower racing.

Other reasons (42)

The 'other' category accounted for 42 (9%) of the licenses issued in 2005. There has been a decrease of 18% in demand of S-RSLs falling under this general heading, examples of which include charity fundraisers, tourist information services and drive-in movies.

Student services and educational broadcasts (38)

The number of licences issued for both student services and for educational purposes is broadly the same as in 2004. 38 S-RSLs were issued to universities covering events such as 'freshers' week and student elections while 33 S-RSLs for educational purposes were issued to primary and secondary schools and sixth form colleges.

Festivals (35)

The number of licences issued for festivals also remained broadly the same. 35 S-RSLs were issued for a variety of events. Music festivals were the most popular and S-RSL broadcasts took place at large events such as Glastonbury, The Isle of Wight Festival and Bestival. Other festival S-RSLs included a celebration of the independence of Jamaica in Gloucester, a young carers festival in Southampton, and various arts festivals such as the Manningtree Arts Festival held annually in Mistley, Essex.

Commercial trials (23)

There was a substantial drop of 49% in the number of S-RSLs issued for commercial trials. 23 licences were issued for this purpose accounting for just 5% of the total. The majority of trials were run by groups intending to apply for new commercial licences scheduled to be advertised by Ofcom. Areas covered include: Kingston-upon-Hull, Shrewsbury and Perth

Proposed changes to Ofcom's Short-term RSL (S-RSL) rules**S-RSLs Proposal 1**

- 3.13 We propose to reduce restrictions on licensing S-RSLs in areas where Ofcom is advertising a new commercial radio licence or where a new commercial or community radio service has been, or is due to be, launched.
- 3.14 Currently we have rules restricting S-RSLs where we are advertising a commercial licence and preventing the licensing of S-RSLs in areas where new permanent radio services are due to be, or have recently been, launched.
- 3.15 The current rules are:
- Applicants for a commercial radio licence on our timetable of future licence advertisements cannot operate an S-RSL in that area in the period from two months prior to a licence advertisement to one month prior to the launch of a new service in the specified area (this can amount to around 16 months). After this the applicants are subject to either of the rules set out below.
 - No S-RSLs may be licensed within the coverage area of a new commercial radio or community radio service, from one month prior to the launch of the new service to 12 months after the launch.
 - No S-RSLs may be licensed within the coverage area of a new regional commercial radio service from one month prior to launch to three months after launch, unless they offer content that is distinct from that of the new commercial service.
- 3.16 The first rule was designed to prevent a commercial radio applicant potentially having an unfair advantage over rival groups by being able to raise its profile and gain public support for its commercial radio application in the run-up to and during the period when applications were under consideration by Ofcom (and previously the Radio Authority). However, Ofcom places far less significance upon local support for a commercial radio application than the Radio Authority did; instead, it places a greater emphasis upon local demand as evidenced by research.
- 3.17 S-RSLs in areas where new community services may be licensed have faced no similar restriction because we have had no firm knowledge of what these areas will be until the community service is licensed (as we have not specified community radio areas when we invite applications). Removing this restriction would therefore give greater consistency in terms of the treatment of all new permanent licensees.
- 3.18 The second rule prevents the issuing of S-RSLs for over a year in new commercial (and community) radio licence areas and is felt to be over-protective of new services and overly restrictive for S-RSL operators. A new permanent service will invest in its launch and we would wish to continue to avoid licensing other radio services in the

same area at this time, as they may undermine the new service's marketing, confuse listeners and potentially destabilise the local advertising market in the period around the launch. However, we propose to liberalise our rules so that we do not prevent all S-RSL broadcasts in a new licence area for over a year.

- 3.19 The third rule sets a looser restriction in new 'regional' commercial radio licence areas compared to that applied in other, smaller, licence areas. It provides some protection for any new regional commercial service in the period around its launch and prevents the possibility of confusion among potential listeners and advertisers due to the provision of similar radio services during this key period. However, it also recognises that an RSL is less likely to have a negative impact on a large regional service than on a smaller service, and allows for greater flexibility and choice outside the launch period.
- 3.20 S-RSLs are licensed for smaller coverage areas (typically a 3 to 4 km radius) than virtually all other radio services. In line with its general statutory duty to secure a wide range of services which taken as a whole are both of high quality and calculated to appeal to a variety of tastes and interests, Ofcom requires that S-RSLs broaden choice in relation to other non-BBC radio services broadcasting in the area. S-RSLs encourage innovation, add to the range of radio services available and often cater to an otherwise under-served interest or community. It is our view that it is overly restrictive to prevent them from being broadcast in new commercial and community licence areas for the length of time currently mandated.
- 3.21 Therefore, we propose to remove unnecessary regulation and simplify our rules by removing the first and second rules set out above, and applying the third in all areas where a new commercial or community radio licence is due to be, or has recently been, launched. In summary Ofcom proposes that the only rule which will apply is that:
- no S-RSLs will normally be licensed within the coverage area of any new commercial or community radio service from one month prior to the launch to three months after the launch.

Question 1) Do you agree with the proposal to liberalise the restrictions on the issuing of S-RSLs in all areas where a new commercial service is advertised, or where a new commercial or community service is due to be, or has recently been, launched? If you do not agree with this proposal, please set out your preferred alternative explaining why you believe it would be a more appropriate option.

S-RSLs Proposal 2

- 3.22 Short-term RSLs are usually awarded on a 'first come, first served' basis. In addition, if a licence is for coverage of an organised event, the event organiser is required to give their permission for the broadcast. However, sometimes we receive a large number of applications at the same time, for the same purpose, broadcast dates and licence area. Moreover, these 'multiple applications' are not tied to an organised event and thereby distinguishable through having been given event organiser's approval. Typically, these applications will be for events in the religious calendar, such as the observance of Ramadan or the celebration of Diwali. By far the largest number of applications received for one event so far has been for the Ramadan (and Eid) period. In 2005 we received a total of 95 applications, 36 of which were licensed. S-RSLs for such events have become important and popular and in some areas an integral part of a community's activities at this time.

- 3.23 Generally, our policy is to license only one station for a particular event in any one area. Therefore, when we receive a number of applications for the same area, event and dates, we must decide between them. In the past, if an applicant's proposals conformed to the licensing requirements as set out in the Notes for Applicants, we decided between groups by means of a draw. We wish to consider whether there is a better way, and invite discussion on this issue. We would like, if possible, to avoid imposing a more difficult or detailed application procedure on the types of S-RSL for which we receive multiple applications than is normally required for any other S-RSL.
- 3.24 We have considered whether we could license more than one service in an area, but typically where we receive lots of applications we have few suitable frequencies available (e.g. West Yorkshire, the North West and Greater London). In addition, there continues to be demand for S-RSLs in the same area for entirely different purposes, and we believe it would be unfair to limit or prevent these from going ahead by licensing more than one service for the same event in the same place.
- 3.25 In light of the above, we wish to invite respondents to this consultation to outline what they believe to be the most appropriate means of deciding between multiple applications.
- 3.26 If more than one valid application is received (no more than twelve months in advance) for the same type of service in the same place on the same dates, the options under consideration for deciding between them are as follows:
- Drawing lots – This option has been used for a number of years. All valid applications are put into a draw for each area. Last year for the first time the draw was made in public and applicants from the area were invited to witness it. If no better alternative emerges from the consultation, we propose to continue to draw lots. Should this be the case, we also propose that these draws would be made in public at a different location each year.
 - Arguments for: Dispassionate. Straightforward to administer. Transparent. Each application has an equal chance of being picked.
 - Arguments against: Some groups stack the odds in their favour by submitting more than one application (each with a non-refundable application fee of £400) to increase their chance of success, as running these services can be lucrative for operators. (However, proving that one group has made multiple applications is difficult.) Consequently, the possibility exists that the same group will be awarded a licence on successive occasions.
 - 'Beauty parade' – Applicants could be required to submit detailed information on their group, output and other matters (e.g. support from the community, relevance of the output to the event and the target audience). Judgements could be made about which application offered the 'best' service for the event.
 - Arguments for: The community may have a 'better' radio service if it is run for altruistic purposes focussing on the meaning or aims of the event, rather than financial gain. However, RSLs offer an opportunity for anyone to run a radio station for a short period and Ofcom does not have a bias either for or against those who wish to make money out of running such services.
 - Arguments against: It is more time consuming (and costly) to administer licence awards based on selection when judgements need to be made

between applicants' proposals. It may be unfair to make the process for applying for licences which are usually awarded 'on demand' more difficult for some categories of use than others. In addition, as the process is in practice most likely to be used in deciding between services for religious events a more onerous application process might be seen as penalising religious broadcasters.

- Highest bidder – If more than one application is received applicants could be invited to place a bid for a licence with the highest bidder being awarded the licence.
 - Arguments for: Dispassionate. Straightforward to administer.
 - Arguments against: This is more likely to reward an applicant who seeks financial gain from operating the service, rather than a religious body (for example) with altruistic purposes, as the winning bidder may need to maximise advertising income in order to offset the bid. As any payment would be required in advance this is likely to work in favour of the 'business' rather than 'altruistic' applicant. If we chose this route, we may consider donating the bid to charity, although there may be practical and legal problems with this.
- Inviting another relevant agency to advise Ofcom on applications and help us decide between applicants.
 - Arguments for: A body with expertise can advise us on the suitability of applicants, or their plans (or both).
 - Arguments against: Some expert or representative bodies feel unable to comment on particular applications because they know the people involved in them. Ofcom would not wish to cede responsibility for making the decision to another body, or appear to be passing this responsibility to others. This may introduce an unacceptable delay into the process.

- 3.27 None of the above options offers an ideal solution and we would like to encourage respondents to submit their own ideas as well as commenting upon the benefits and disadvantages of those outlined above.

Question 2) What is the most appropriate way for Ofcom to decide between competing short-term RSL applications for broadcasts to cover the same event in the same area at the same time?

S-RSLs Notes for Applicants

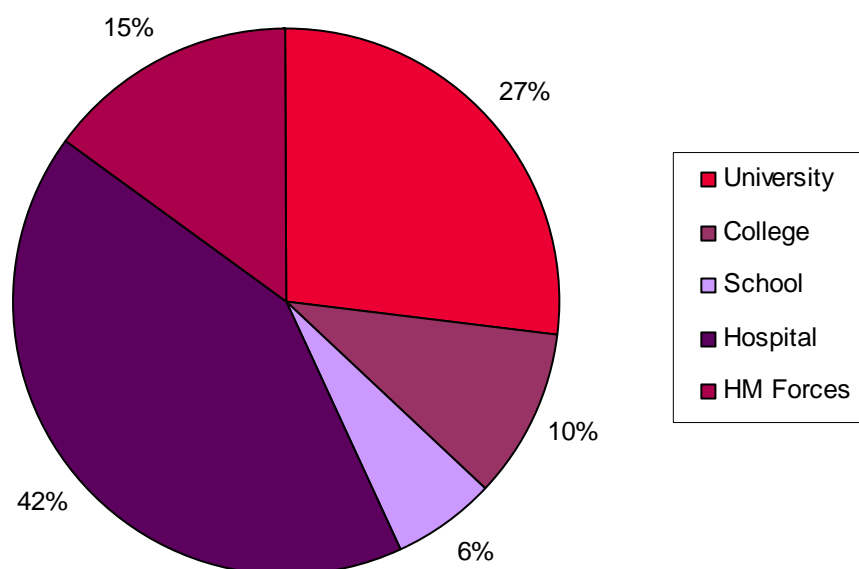
- 3.28 Ofcom's rules on S-RSLs are set out in 'Short-term RSLs: Notes for Applicants' which is available on our website at <http://www.ofcom.org.uk/radio/ifi/rbl/rsls/strsl/>. If you have comments on the rules and policy contained in these Notes that are not directly addressed by this consultation, we are happy to receive comments.

Question 3) Do you have any comments on other areas of S-RSL policy, as set out in the 'Notes for Applicants', that you would like to bring to our attention?

Purpose and use of Long-term RSLs (L-RSLs)

- 3.29 Long-term RSLs (L-RSLs) are for services at non-commercial establishments and for reception within a defined site only (i.e. not the surrounding community as well). 128 licences are currently in issue, for hospital radio services, student radio stations, army barracks, schools, colleges and prisons. Services are licensed on both FM and AM, but due to the general lack of FM spectrum the majority of services are licensed on AM. AM induction loop transmission systems, whereby the signal cannot be heard outside the buildings within which the system is installed, continue to be licensed, although the majority of services are licensed on AM on a freely-radiating basis. In Greater London, the lack of suitable spectrum means that licences are only available on an induction loop system. Licences are issued for five years, and are renewable.

Figure 3: Types of L-RSLs in 2005



Source: Ofcom

Characteristics of L-RSLs

- 3.30 L-RSLs are a means of providing a radio service for people at a particular establishment, in particular within the boundaries of the site of that establishment:

They serve the needs of special interest groups based within the site, such as hospital patients and staff, students on a campus, or army personnel and their families within a barracks.

They are available on demand (subject to meeting the licensing criteria and the availability of a suitable frequency).

They are generally not awarded in competition with other applicants.

They use broadcasting spectrum which is either:

- generally not suitable for other broadcast uses (some of the more-interference-prone AM frequencies); or
- in areas of low demand from other users (FM in some parts of the UK); or
- is spectrally efficient (AM on induction loop).

L-RSL Licensing

- 3.31 L-RSLs will continue to be licensed for single establishment-only services and not for the wider surrounding community. Therefore we intend to maintain the rule prohibiting editorial acknowledgement of overspill coverage outside the establishment, so that even if the signal may be heard over a wider area, the station should not acknowledge listening beyond the site of the service. There are alternative broadcast licences available for those who wish to broadcast to a wider area, and this rule is the key point of difference between L-RSLs and commercial, community radio or short-term RSL services.
- 3.32 Potential applicants continue to request FM frequencies for these services throughout the UK. However, as noted previously, we do not have sufficient FM spectrum available in most of the UK to change our policy. In addition, our community radio licensing programme means that the demand for FM by other users is increasing. AM frequencies suitable for L-RSLs transmitting on a freely-radiating basis are currently available in many areas. As noted above, the exception is in the Greater London area (defined for this purpose as the area within the M25 orbital motorway), where Ofcom will only license L-RSLs on AM induction loop systems. Therefore, we intend to continue to use medium wave (AM) frequencies for the majority of L-RSLs. Exceptions will include remote rural areas where FM spectrum is more widely available, and the opportunity cost of using FM frequencies for site-based services is negligible (e.g. parts of Scotland, Wales and Cornwall).

L-RSLs Proposal 1

- 3.33 We propose to allow commercial establishments to be granted L-RSLs. We have had contact from some such establishments, for example, marinas, theme parks and shopping centres, asking us to broaden the availability of L-RSLs and lift the current restriction on commercial establishments holding such licences.
- 3.34 This would allow for a greater range of L-RSLs, while maintaining the distinction between L-RSLs and commercial or community radio services because the licence holder would still be restricted to coverage of a single establishment. It should be noted that, for the purposes of L-RSLs, an establishment must occupy a clearly definable single site, within which all property is part of the host establishment and there is no permanent resident population.

L-RSLs Proposal 2

- 3.35 L-RSLs are currently issued for a five-year period, and are renewable. In future we propose to offer licences for specific periods of up to five years (calculated in increments of six months), as this flexibility may be helpful to some potential applicants. However, we propose that licences would run for a minimum of one year.
- 3.36 This proposal should provide sufficient flexibility to allow services for different purposes within a single establishment under a single L-RSL without tying the said establishment to a full five-year licence.

Question 4) Do you agree with the proposal to allow commercial establishments to apply for L-RSL licences?

Question 5) Do you agree with the proposal to offer L-RSLs for shorter periods of one year or more, up to a five-year maximum?

L-RSLs Notes for Applicants

- 3.37 Ofcom's rules on L-RSLs are set out in 'Long-term Restricted Service Licences (L-RSLs): Notes of Guidance for Applicants'. These are on our website at: <http://www.ofcom.org.uk/radio/ifi/rbl/rsls/ltrsl/> If you have comments on the rules and policy contained in these Notes that are not directly addressed by this consultation, we are happy to receive comments.

Question 6) Do you have any comments on other areas of L-RSL policy, as set out in the 'Notes of Guidance for Applicants', that you would like to bring to our attention?

Section 4

Audio Distribution Systems (ADS)

History and purpose of the ADS trial

- 4.1 Since 1 June 2004 Ofcom has been running an experimental licensing scheme, or trial, for Audio Distribution Systems (ADS). The ADS trial originally ran until the end of August 2005, but was subsequently extended for a further year until 31 August 2006.
- 4.2 ADS, as defined for the purposes of the trial,:
- are used to retransmit referees' communications with linesmen and players during sporting events to spectators, to relay studio analysis and TV commentary to spectators (specifically content which is already subject to the provisions of a Broadcasting Act licence) or to distribute simultaneous translations of different languages to attendees at conferences and events;
 - may not relay content that has been deliberately developed for the purpose of the ADS transmission. (This prevents ADS from carrying self-generated content or commercial messages);
 - are transmitted in what was formerly⁴ defined as non-broadcast spectrum. Specifically, they share the spectrum between 60.75 to 62.75 MHz (which is used for very short-range services, for example within a stadium or conference facility) on a secondary and non-interference basis⁵ with Programme Making and Special Events (PMSE)⁶ users;
 - may only be received on non-FM/AM receivers;
 - are licensed at low power levels (typically they use an effective radiated power or e.r.p. of between 0.5 and 1.0 watt) in order to restrict their coverage to a single establishment;
 - are licensed for multiples of five days, although there is no restriction (other than frequency availability) on how many consecutive licences any individual or company may hold;
 - have been licensed under the Wireless Telegraphy Act (WTA) alone, and not also under the Broadcasting Act (BA). The licensing process has been carried out under contract by JFMG.

⁴ Op cit, Communications Act 2003

⁵ Licensing on a secondary basis means that if there are insufficient frequencies to allow both PMSE and ADS licensees to be present at the same event the PMSE user will be licensed. Licensing on a non-interference basis means that if there was a further frequency available for an ADS service but it was calculated that it would cause interference to the primary user (i.e. the PMSE licensee) the ADS applicant would not be licensed for this event.

⁶ PMSE licensees employ high-powered radio microphones to deliver content which will be used for broadcast purposes from one location to another within a single establishment.

- 4.3 This experimental licensing scheme was established, following consultation in February 2004⁷, because Ofcom felt that the development of choice, and the opportunity for enabling a range of valuable uses of the spectrum resource, was being unduly inhibited by the requirements of the current licensing arrangements. Notwithstanding the introduction of in-stadia S-RSLs (see paragraphs 3.2 and 3.8 above), which were an early attempt to cater to the growing demand for a more flexible approach to the use of spectrum for restricted broadcast services, it was recognised that the limited amount of spectrum available within the sound broadcasting bands – VHF band II (FM) or medium wave (AM) – which were and still are under pressure from the demand for “traditional” radio broadcasting services, restricted the scope for using these frequencies for other purposes, and that the introduction of ADS would enable the provision of multiple short-range services in most areas. In addition, it was noted that encouraging wider access to spectrum that was hitherto restricted to a narrow range of uses reflected one of Ofcom’s core spectrum management objectives, as set out in our Spectrum Framework Review – to reduce or remove unnecessary restrictions and constraints on spectrum use.
- 4.4 The purpose of the trial was to gain a better understanding of a number of issues, before deciding whether to proceed with permanent licensing arrangements, including:
- the demand for licences and whether a separate licensing regime was warranted;
 - in so far as they were substitutable, how the availability of ADS licences complemented the RSL arrangements;
 - the range of activities for which operators might request licences;
 - whether the decision to place limits on the content carried over the spectrum (given that ADS licences do not include provisions for listener protection) raised any problems;
 - the extent to which the spectrum we decided to use for these licences was appropriate and, as it was shared with programme-makers, whether unacceptable problems of interference were likely to occur when both services were operating at the same event;
 - whether the primary programme-making uses of the spectrum risked being “crowded out” by the demand for ADS licences; and
 - the extent to which the licence terms and conditions e.g. involving the issue of short term licences associated with a particular event, was appropriate.
- 4.5 The remainder of this section of the consultation outlines what we have learned from the trial on these issues, confirms the reasons why we conclude that we should introduce ADS licensing on a permanent basis and asks some questions about the structure of the licensing arrangements.

⁷ Details of the ADS trial consultation can be found at http://www.ofcom.org.uk/consult/condocs/special_events/

Findings from the trial and proposals for ADS licensing

Demand for and use of ADS during the trial

- 4.6 Since the start of the trial there have been a total of 142 ADS licences issued to date⁸ (an average of four or five per month). The majority have been issued at sporting events to enable spectators to listen to a relay of the referees' commentary, although a number have been issued to allow provision of commentary to attendees at events with special hearing needs. Given the need to invest in non-standard tuners to receive these services, this represents a significant demand. A demand which could not be met by existing restricted service licensing arrangements because of a lack of available spectrum in the 'traditional' radio broadcasting sub-bands.
- 4.7 Moreover, in light of the fact that the trial has shown that ADS and PMSE spectrum usage can co-exist (see below), the introduction of a more permanent arrangement for ADS would reflect our general duty under the Communications Act to secure "the optimal use for wireless telegraphy of the electro-magnetic spectrum"⁹.

Content Issues and the need for a Broadcasting Act (BA) licence

- 4.8 During the trial, ADS licensees have operated on a provisional basis, under the WTA. The services they provide have been limited to the relaying of audio originated from radio microphones to individuals within a defined area associated with an event, and Ofcom has not required those providing ADS services to hold a licence under the Broadcasting Act 1990 ("the 1990 Act"). There were a number of reasons for adopting this provisional approach, most notably that:
- the services do not operate in traditional broadcasting spectrum and could not be received using conventional radio or television broadcast receivers; and
 - it is not permitted for the services to transmit self-generated content or content specially developed to be used for the purpose of the ADS transmission. This includes commentary and commercial messages.
- 4.9 Having now had the opportunity to conduct a detailed review of ADS, Ofcom has concluded that under the Broadcasting legislation, ADS services do fall within the category of sound broadcasting services as defined in section 126(1) of the Broadcasting Act 1990 (as amended), on the basis that they involve the provision of a service consisting of the one-way transmission of sound intended for reception by members of the public. Since this category of service is licenseable under the legislation, ADS services must be licensed under the Broadcasting Act 1990.
- 4.10 Moreover, most ADS licences are operated on a commercial basis (for example, the receivers for services operated by the two main ADS licensees, RefLink and Sound Decisions, are sold to spectators as they enter a sporting event), and feedback from the trial indicates that the operators would like the flexibility to offer a wider range of content. Specifically, they have said that they would like the freedom to broadcast self-generated content and to carry advertising and/or sponsorship. It should be

⁸ Figure at end March 2006

⁹ Section 3 (2) (a) of the Communications Act 2003

noted that if ADS were to be allowed to carry such content, they would become virtually indistinguishable from standard restricted service licences.

- 4.11 In light of the experience from this trial and the outcome of our review, we propose to continue licensing ADS-type services using spectrum outside of the 'standard' broadcast bands, and to remove the current restrictions on the carriage of both self-generated content and commercial messages (which were in part imposed to distinguish ADS from 'traditional broadcasting' because they have been licensed under the WTA alone). However, as indicated above, ADS-type services would be licensed under the Broadcasting Act as well as under the Wireless Telegraphy Act. Broadcasting Act licences include, inter alia, conditions that ensure licensees meet specific programme and advertising standards and do not cause harm or offence.
- 4.12 Because ADS-type services fall into the category of "being broadcast for reception within a particular establishment in the United Kingdom or at another defined location... or for the purpose of a particular event within the United Kingdom" (CA 2003, section 245 (4)(c)), they must be licensed as restricted services under the Broadcasting Act. We would seek to maintain as light touch a licensing and regulatory system as possible for the new 'ADS-RSLs'. For example, because 'ADS-RSLs' would use spectrum in which no other broadcast services are licensed, we would not require ADS to broaden choice in relation to other broadcast services, and like all other RSLs, the new 'ADS-RSL' would be exempt from sections 5.4 to 5.13 of the Broadcasting Code¹⁰. Indeed, we would hope to issue a very simple licence noting the nature of the service to be provided, the details of the licensee and the fact that the licensee would be expected to adhere to the Broadcasting Code (with the aforementioned exceptions) and the appropriate technical specifications. Should you wish to view Ofcom's Broadcasting Code, it can be found at: <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>.
- 4.13 This proposal will give ADS operators additional flexibility regarding the content they provide, while recognising that it is appropriate for all 'ADS-RSLs', whether or not they choose to carry self-generated content and/or commercial messages, to be subject to broadcast service content regulation.

Question 7) Do you agree that we should license 'ADS-RSLs' once the ADS trial ends on 31 August 2006?

Technical aspects of the licensing system

- 4.14 Our monitoring work suggests that the choice of the 60.75 to 62.75 MHz frequency band for ADS licences, and the other technical attributes of licences - notably power limits - have worked well and have received widespread support. We have not had an opportunity to monitor an event at which both radio microphone licences and ADS licences were operating to examine the potential interference issues at 60 MHz. However, with the support of the BBC, Radica Ltd. and JFMG, we arranged a technical investigation at Twickenham in February 2005. The tests confirmed that, in certain circumstances, radio microphone transmissions could interfere with ADS

¹⁰ Sections 5.4 to 5.13 of the Broadcasting Code cover: the exclusion of the personal view of the broadcaster on matters of political or industrial controversy, the preservation of due impartiality, maintaining impartiality in coverage of matters of major political or industrial controversy and prevention of undue prominence.

reception. We have concluded that these issues should not prevent us from introducing a permanent licensing regime because:

- events at which both ADS and high-power radio microphone licences are issued will occur only rarely;
- the circumstances in which interference may be caused to ADS reception are limited;
- the interference occurs from the primary PMSE licensee into the secondary ADS licensee and not the other way round; and
- the potential for interference arises largely from the build of the ADS receivers and could be much reduced or eliminated by the ADS operators. ADS operators could invest in improving the reception of their services for listeners if they deemed it in their commercial interest to do so.

4.15 Therefore, we propose:

- to allow use of the 60.75 to 62.75 MHz band for the use of 'ADS-RSLs' on a non-interference, non-protection basis – that is, 'ADS-RSLs' must not cause interference to and will not receive any protection from interference caused by PMSE use of this spectrum;
- to maintain power levels at current levels (typical effective radiated power of 0.5 to 1.0 watt); and
- to continue to remind ADS licensees of the potential for interference into their receivers and the appropriate remedies.

4.16 Ofcom reserves the right to amend the use of the 60.75 to 62.75 MHz band should circumstances warrant, although it does not believe that a review of this spectrum is likely to be necessary in the short-term (i.e. the next three to five years).

Question 8) Do you agree with the technical characteristics of the licence? If not, what alternative proposals do you have in mind?

Question 9) Do you agree with our conclusions on the potential interference issues concerning shared programme-making use of the spectrum? If you disagree, please give reasons.

Safeguarding programme-making use of the spectrum at 60.75 to 62.75 MHz

4.17 As was explained in the original consultation on “Spectrum Licensing for Audio Distribution Systems at Special Events”, which was published on 9 March 2004 and can be found at: http://www.ofcom.org.uk/consult/condocs/special_events/spectrum_lisc_ads/spect_lisc_ads_condoc.pdf, the primary use of the spectrum in this band is to support the making of programmes by broadcasters and other Programme Makers and Special Events (PMSE) users. PMSE usage takes priority over other users of the spectrum in this band.

4.18 As a result of systems put in place by our current licensing contractors, there is no question of the primary users of the band being crowded-out by ADS operators at

those regular events/venues where the programme-makers are known to make heavy use of the 60.75 to 62.75 MHz band. We propose to maintain the current arrangements which involve publicising those events where it can be anticipated that heavy programme-making use of the spectrum will preclude the provision of any ADS licences. This list will continue to be reviewed on a regular basis.

Question 10) Do the current arrangements ensure that programme-making use of the 60.75 to 62.75 MHz band at “known” events is adequately safeguarded?

Licence duration and site based licences

- 4.19 Under the terms of the trial the duration of ADS licences has been restricted to a maximum of five days (tied to a particular event/location) and applications for licences have not been permitted more than three months before the start of the licence period. Applicants have, however, been able to apply for a series of consecutive “five-day” licences, albeit that there have been no guarantees regarding the consistent availability of spectrum for particular ADS licences. These arrangements were put in place to safeguard priority access to the spectrum by PMSE users.
- 4.20 However, a number of potential licensees have requested longer-term licences (for example, we have had requests for year-long licences). It may be possible in some areas and in some circumstances to be more flexible in dealing with ‘ADS-RSL’ applications, particularly where the risk of crowding out potential programme-making use of the spectrum is very low. Therefore, we propose to allow a degree of discretion regarding whether it is appropriate to issue longer-term ‘ADS-RSLs’. These decisions would be made on a case-by-case basis.
- 4.21 At the moment, the availability of ADS licences is linked to a particular sporting or other event. Taken together with the potential for longer term licences, it seems appropriate, subject to the aforementioned case-by-case judgements regarding likely frequency availability and usage, to permit the holding of licences on a venue/site basis, not linked to any particular event. Therefore, we propose to allow site-based ‘ADS-RSLs’, where circumstances permit.
- 4.22 We do not intend to change the current requirement that licence applications can only be made within three months of the proposed licence start period. This arrangement helps to minimise the prospect of a major programme-making requirement emerging at, or near, the venue that needs to use the relevant frequencies after an ‘ADS-RSL’ has been issued.
- 4.23 In addition, we do not propose to permit ‘roaming’ ‘ADS-RSLs’¹¹ as this would unduly sterilise the availability of spectrum for programme makers and other ADS users and would not fit within the constraints that apply to other forms of broadcast licensing. All ADS licences will continue to be related solely to the installation of fixed transmitters at identified sites.
- 4.24 Flexing the ‘ADS-RSL’ arrangements in the manner outlined above would require more detailed judgements about licence applications than have been required to

¹¹ By ‘roaming’ we mean the use of a particular frequency in different places across a large predefined area (e.g. across a region or even the whole country).

date. The decisions of Ofcom or its sub-contractor (which would be based on judgements about the risks to PMSE access to spectrum) regarding whether or not to issue licences to applicants asking for longer-term and/or site-based 'ADS-RSLs' would be final.

Question 11) If circumstances permit, should 'ADS-RSLs' be available for longer than five days, and if so what is/are the appropriate licence duration(s)?

Question 12) If circumstances permit, should the link between an "event" and an 'ADS-RSL' be removed to permit general "site" based licences?

'ADS-RSLs' in other spectrum bands

- 4.25 We are aware that there might be greater demand for 'ADS-RSLs' than could be accommodated on a secondary and non-interference basis within the sub-band allocated for this purpose. Therefore, we propose to allow for the possibility that other frequency bands may be used to provide ADS, or other restricted broadcast services, subject to users being licensed as restricted services under the Broadcasting Act and any other particular regulatory requirements (e.g. the need for a WT Act licence or to pay any associated fees) relating to the spectrum used. These would need to be considered by Ofcom in light of the relevant circumstances at the time.
- 4.26 The technology underpinning ADS is essentially the same as that used for radio microphones. It is, in principle, feasible for the use of ADS licences to be extended to other radio microphone/audio link spectrum bands. Moreover, some interest has been expressed in the use of interleaved spectrum (i.e. that which is not used for television broadcast signals but which is currently being employed by PMSE licensees) within the UHF frequency band for ADS.
- 4.27 The removal of usage restrictions across much of the spectrum resource is in line with our overall objectives for spectrum liberalisation and spectrum trading and Ofcom is currently examining options to introduce a range of liberalisations in other areas from spring next year. However, we are still some way from implementing spectrum trading and liberalisation in the relevant PMSE frequency ranges and, given the wider pressures on the spectrum currently used by programme makers, any immediate opening of other bands for ADS-RSLs would need to be carefully considered. In particular, the development and use of the UHF frequencies is subject to a degree of uncertainty given the proposals for digital television switchover. Ofcom is currently considering how best use can be made of the interleaved and cleared spectrum after digital television switchover as part of the Digital Dividend Review project. This includes a full consideration of the needs of PMSE users. If PMSE use is still able to be interleaved within the 32 UHF channels used for digital transmissions, there could be scope for ADS to share this interleaved spectrum on the same basis as they have done to date in 60.75 to 62.75 MHz.

Question 13) Do you agree that the availability of 'ADS-RSL' licences should be extended to 'non broadcast' frequency bands other than 60.75 to 62.75 MHz?

Licensing: costs and administration

- 4.28 Under the terms of the trial, ADS have been licensed under the WTA alone. Licensees have been charged on the basis of the costs involved in planning their use

of spectrum. At present ADS licences are calculated at a cost £12 per 12.5 KHz. The typical sub-band width for a five-day ADS licence is 200 KHz so the total cost for a five-day licence is £192.

- 4.29 However, as noted above, our consideration of the characteristics of ADS indicates that they should be licensed as RSLs (i.e. restricted radio services awarded under the BA, with an accompanying Wireless Telegraphy Act licence where appropriate). The licence fees would therefore need to reflect the costs involved in both the administration and frequency planning involved in licensing these services (which might well be higher than at present) and the potential need to deal with content complaints. We would hope to continue to offer relatively low cost licences for applicants wishing to provide what would be more broadly defined radio restricted services, although given the additional resource requirements associated with setting up a permanent broadcast licensing scheme the fees are likely to increase.
- 4.30 In the absence of an alternative mechanism to determine the cost of the spectrum used by 'ADS-RSLs' in the 60.75 to 62.75 MHz band, it is likely that licence fees would continue to be charged on a cost recovery basis. This policy would be subject to review should circumstances change and may not be considered the most appropriate means of determining fees for restricted broadcast licensing in bands not traditionally associated with broadcasting.
- 4.31 If the response to this consultation indicates that we should introduce a new type of RSL for use in the 60.75 to 62.75 MHz band, we would need to work out how best to administer these licences in order to keep costs as low as possible while maintaining the necessary safeguards in terms of spectrum usage and content provision. This would include a consideration of whether or not to continue to use a sub-contractor to license these services. Should we do so, it would be the first time the regulator had outsourced the issuing of Broadcasting Act licences. As indicated above, the costs associated with 'ADS-RSLs' using alternative spectrum bands (i.e. not 60.75 to 62.75 MHz) would be negotiated on a case-by-case basis.

Question 14) Do you have any comments regarding the costs and administration of 'ADS-RSLs'?

Section 5

Unused Spectrum between 55 and 68 MHz

- 5.1 There is spectrum in the UK in the 55 to 68 MHz band that is presently almost unused. This includes two blocks of 4 MHz, one below and one above the 60.75 to 62.75 MHz band mentioned in the preceding section. The discussion which follows addresses these unused frequencies, and therefore excludes 60.75 to 62.75 MHz.
- 5.2 Spectrum is generally in short supply in the UK, and in many frequency ranges there is an acute imbalance of supply and demand. Ofcom is therefore investing a great deal of effort to release under-used and unused frequency bands to the market, and to remove unnecessary constraints on spectrum usage, in order to increase the supply of this valuable resource and to promote additional benefits for citizens and consumers.
- 5.3 This document is therefore seeking views on the level of interest in additional access to the 55 to 68 MHz band, the sorts of use for which access might be sought, and how the spectrum might be released to the market were Ofcom to pursue this course.

Characteristics of the frequency range

- 5.4 In the International Telecommunication Union Radio Regulations (ITU-RR), the 55 to 68 MHz range is allocated to Broadcasting on a primary basis in Region 1 (Europe and Africa). There is also a primary allocation to the Land Mobile service in the UK and many other countries, including all of the UK's neighbours. In Regions 2 and 3, it is allocated variously on a primary basis to the Fixed, Mobile and Broadcasting services. The use of the band by broadcasting services is subject to the provisions of the 1961 Stockholm Agreement, which includes a frequency assignment plan for analogue television broadcasting and associated procedures for coordination between countries. Although the UK and neighbouring countries have assignments in the Plan, the UK ceased using the band for traditional broadcasting in the 1980s, and it is understood that several other countries have also ceased broadcasting in this band.
- 5.5 ITU-RRs do not determine prescriptively how frequencies may be used within Member States, and uses other than those allocated in the RRs are possible on a non-interference, non-protected basis (to and from the services of those countries operating in accordance with the RRs). In the UK Frequency Allocation Table (UKFAT), the band is presently allocated to the Land Mobile service. Within this allocation, the bands 55 to 55.75, 60.75 to 62.75 and 67.75 to 68 MHz are available on a primary basis to PMSE. The MoD (for the Meteorological Office) may also operate wind profiler radars in the band 46 to 68 MHz provided each assignment is co-ordinated with other users. One such radar presently operates in the 55 to 68MHz band on South Uist in the Hebrides, and this may impose some constraints on other uses. Given its remote location, these are not expected to be severe, though no work has yet been done on technical compatibility.
- 5.6 Allocations in the UKFAT can be changed.

- 5.7 Spectrum in the 55 to 68 MHz band suffers from some disadvantages compared to other frequency ranges. The propagation characteristics are well-suited to wide area environments that are relatively free of clutter, such as rural areas, but propagation becomes more limited in dense urban conditions and within building structures. The frequencies can also suffer from relatively high levels of man-made noise such as that generated by the ignition systems of vehicles and other electronic equipment.
- 5.8 For most applications antennas need to be relatively large, and this also tends to limit the utility of the frequency resource. Smaller antennas can be made, suitable for smaller receivers, but to date these have been less efficient and tend to reduce the communication range unless there is a compensating increase in base station infrastructure.
- 5.9 This frequency range is also subject to long-range interference ("sporadic-E" propagation) which can result in significant interference from high-power stations located many hundreds of kilometres away. Such interference only occurs under certain atmospheric conditions, but can be prolonged when it occurs.
- 5.10 This frequency range therefore appears, under present technical conditions, to be intrinsically less attractive than other frequencies, such as those in the 100 MHz to 1 GHz range. However, those other frequencies are generally in very short supply, and in principle it might be possible to offset at least some of the deficiencies of 55 to 68 MHz by incurring extra cost in network build or equipment design. Given the general scarcity of spectrum, it is therefore important to consider whether there is demand to bring any unused band into use, and if so how this might be done.

Possible uses

- 5.11 Ofcom has not undertaken a comprehensive investigation of the potential uses for this band. One purpose of this consultation is to seek views from the market on the potential uses and the level of interest in accessing the resource.
- 5.12 Ofcom has, however, considered briefly some potential uses. These include use as additional capacity for 'ADS-RSLs'. 'ADS-RSLs' are discussed in section 4 of this document. Ofcom is aware of material demand for spectrum for this type of application, and it is possible that demand could in the foreseeable future exceed the supply available in 60.75 to 62.75 MHz. It is likely that the equipment used for these services in the 60.75 to 62.75 MHz range could readily be re-designed to use frequencies elsewhere in the 55 to 68 MHz band.
- 5.13 Other uses of the unused frequencies are also possible. These include private business radio applications. The adjacent 68 to 87.5 MHz range is used by a number of civil business radio applications, as well as for emergency service and defence use. There is also some use of similar frequencies for broadcasting in other countries. Use for PMSE is also possible.

Views sought

- 5.14 Ofcom is seeking views from respondents on a number of matters including:
- alternative uses for these unused frequencies
 - the level of interest in accessing these frequencies
 - whether Ofcom should make the spectrum available for licensed use, and if so on what basis.

If the spectrum were to be released for use Ofcom would need to address a range of issues, including the nature of any licence (technical conditions, licence duration, etc), and the mechanism for releasing the spectrum. Alternatives in the last respect include a first come, first served process, and possible award by auction. This document does not contain proposals on these matters as the first step is to ascertain the level of interest (if any) in use of the frequencies.

Question 15) Do you foresee interest in accessing up to 8MHz of frequencies in the 55 to 68 MHz band that are presently almost unused, and if so for what types of service and/or technology? Do you have any views on how Ofcom might release this spectrum to the market for use?

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 5 July 2006**
- A1.2 Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), among other things to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.
- A1.3 Please can you send your response to eva.koekelbergh@ofcom.org.uk.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Floor 5
Eva Koekelbergh
Radio Executive
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7783 4589
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views, and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Eva Koekelbergh on 020 7783 4392.

Confidentiality

- A1.8 Ofcom thinks it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt (when respondents confirm on their response cover sheet that this is acceptable).
- A1.9 All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place

any confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

- A1.10 Ofcom reserves its power to disclose any information it receives where this is required to carry out its legal requirements. Ofcom will exercise due regard to the confidentiality of information supplied.
- A1.11 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use, to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website, at www.ofcom.org.uk/about_ofcom/gov_accountability/disclaimer.

Next steps

- A1.12 Following the end of the consultation period, Ofcom intends to publish a statement during August.
- A1.13 Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

- A1.14 Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 2) which it seeks to follow, including on the length of consultations.
- A1.15 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, whose views are less likely to be obtained in a formal consultation.
- A1.16 If you would like to discuss these issues, or Ofcom's consultation processes more generally, you can alternatively contact Vicki Nash, Director, Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom (Scotland)
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW
Tel: 0141 229 7401
Fax: 0141 229 7433
E-mail: vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

- A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

- A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

- A2.3 We will be clear about who we are consulting, why, on what questions and for how long.
- A2.4 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 to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.
- A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest.
- A2.6 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.
- A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

- A2.8 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A3.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their cover sheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.
- A3.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation**BASIC DETAILS**

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

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 to be confidential, 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. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. 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)

Annex 4

Consultation questions

A4.1 Our key proposals for this consultation are outlined in the executive summary and described in more detail throughout the document. We would welcome views by **5 July 2006** on the following question:

Question 1) Do you agree with the proposal to liberalise the restrictions on the issuing of S-RSLs in all areas where a new commercial service is advertised, or where a new commercial or community service is due to be, or has recently been, launched? If you do not agree with this proposal, please set out your preferred alternative explaining why you believe it would be a more appropriate option.

Question 2) What is the most appropriate way for Ofcom to decide between competing short-term RSL applications for broadcasts to cover the same event in the same area at the same time?

Question 3) Do you have any comments on other areas of S-RSL policy, as set out in the 'Notes for Applicants', that you would like to bring to our attention?

Question 4) Do you agree with the proposal to allow commercial establishments to apply for L-RSL licences?

Question 5) Do you agree with the proposal to offer L-RSLs for one-year as well as five-year periods?

Question 6) Do you have any comments on other areas of L-RSL policy, as set out in the 'Notes for Applicants', that you would like to bring to our attention?

Question 7) Do you agree that we should license 'ADS-RSLs' once the ADS trial ends on 31 August 2006?

Question 8) Do you agree with the technical characteristics of the licence? If not, what alternative proposals do you have in mind?

Question 9) Do you agree with our conclusions on the potential interference issues concerning shared programme-making use of the spectrum? If you disagree, please give reasons.

Question 10) Do the current arrangements ensure that programme-making use of the sub-band at "known" events is adequately safeguarded?

Question 11) If circumstances permit, should 'ADS-RSLs' be available for longer than five days, and if so what is/are the appropriate licence duration(s)?

Question 12) If circumstances permit, should the link between an "event" and an 'ADS-RSL' be removed to permit general "site" based licences?

Question 13) Do you agree that the availability of 'ADS-RSL' licences should be extended to 'non broadcast' frequency bands other than 60.75 to 62.75 MHz?

Question 14) Do you have any comments regarding the costs and administration of 'ADS-RSLs'?

Question 15) Do you foresee interest in accessing up to 8MHz of frequencies in the 55 to 68 MHz band that are presently almost unused, and if so for what types of service and/or technology? Do you have any views on how Ofcom might release this spectrum to the market for use?

A4.2 Note: The accompanying document *Community Audio Distribution Systems Consultation* also poses several questions for consultation regarding the licensing of restricted broadcast services in spectrum allocated for Citizen's Band Radio. The closing date for this consultation is 31 May 2006.

Annex 5

Impact assessment

Introduction

- A5.1 The analysis presented in this Annex, when read in conjunction with the rest of this consultation document, represents an Impact Assessment (IA), as defined by Section 7 of the Communications Act 2003 (“the Act”). You should send any comments on this IA to Ofcom by the closing date for this consultation. We will consider all comments before deciding whether to implement the proposals set out in the consultation document.
- A5.2 IAs form part of best practice policy-making and are commonly used by other regulators. This is reflected in Section 7 of the Act, which means that generally we have to carry out IAs where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. In accordance with Section 7 of the Act, in producing the IA in this document, Ofcom has had regard to such general guidance as it considers appropriate, including related Cabinet Office guidance.
- A5.3 Given the trial nature of Audio Distribution Systems (ADS) and also the nature of the options being considered regarding ADS, this IA focuses on the qualitative aspects of the various options and their potential impact rather than seeking to quantify the impact of those proposals on relevant stakeholders. Ofcom considers that such an approach is in line with Ofcom’s regulatory principles, notably the obligation to operate with a bias against intervention but to ensure that any inventions that are required are evidenced-based and proportionate.

Radio Restricted Service Licences (RSLs)

- A5.4 The licensing of radio restricted service licences (RSLs) is an area of broadcast radio licensing which has not been reviewed since the establishment of Ofcom and as a result RSL licensees may face more of regulatory burden than necessary, and have less than the optimum level of flexibility. Given that the proposals regarding RSLs essentially constitute a streamlining of our current policies rather than a major change in our activities they have not been subject to an Impact Assessment. However, it is worth noting that we believe that these proposals will deliver a number of benefits including: a clearer set of guidelines for radio restricted service licensing, the removal of unnecessary restrictions, and the potential for a greater choice of restricted radio broadcast services catering to different tastes and interests.

Audio Distribution Systems (ADS)

- A5.5 This impact assessment considers the proposals laid out in the Radio Restricted Services consultation regarding the licensing of Audio Distribution Systems. Notably the proposals to license Audio Distribution Systems as restricted services under the Broadcasting Act as well as licensing them under the Wireless Telegraphy Act, and to remove the current restrictions on the carriage of both self-generated content and commercial messages.

- A5.6 Our policy proposals are based on both statutory duties and regulatory principles. With respect to ADS we have paid particular attention to Ofcom's general duties to ensure:
- “the optimal use for wireless telegraphy of the electro-magnetic 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 variety of tastes and interests”¹²
- A5.7 We have also considered the three elements of the strategic framework for the future regulation of radio as set out in “Radio – Preparing for the Future, Phase 2: Implementing the Framework” which can be found on our website at: http://www.ofcom.org.uk/consult/condocs/radio_reviewp2/p2.pdf.
- A5.8 These are:
- To enhance choice, diversity and innovation for consumers at the UK, national, regional, local and community levels.
 - To secure citizens' interests through the provision of radio designed to meet public purposes.
 - To do this with as little intervention in the market as possible, consistent with meeting our objectives.
- A5.9 We have also considered the proposals set out in this consultation with a view to looking to the future of radio licensing with the particular aim of reducing regulation where possible.
- A5.10 Audio Distribution Systems (ADS) are very short-range services (for use within a particular building) which share the spectrum between 60.75 to 62.75 MHz with programming making and special event (PMSE) users. They are usually available on a commercial basis (the mobile receivers are sold to users) to enable spectators at a particular sports event to listen in to the referees' commentary or to hear a relay of content which is already subject to the provisions of a Broadcasting Act licence. However, there are alternative uses, for example translations of a conference presentation. ADS may not be used for self-generated content or commercial messages. ADS are licensed for multiples of five days. There is no restriction (other than frequency availability) on how many consecutive licences any individual or company may hold.
- A5.11 For the purposes of the trial, they have been licensed under the Wireless Telegraphy Act (WTA) alone, and not under the Broadcasting Act (BA). The ADS trial has been extended and is now due to close on 31 August 2006. However, in advance of the close of that trial, we are considering what form of licensing regime might be appropriate if ADS were to be moved on to a more permanent footing in order to meet the demand for this type of service.

¹² Section 3 (2) (a) + (c) of the Communications Act 2003

Option 1: *Stop authorising the provision of ADS altogether*

- A5.12 There is the option at the end of the trial not to authorise ADS altogether. This would prevent the services that fall within the definition of ADS from being provided going forward. This does not appear to be an attractive option for a number of reasons.
- A5.13 The ongoing trial of ADS has clearly shown that there is a demand for this type of service. This demand is notable among spectators at sports events but may potentially grow among a wider range of audiences. The scope for existing radio broadcasting services to meet this demand is restricted due a lack of spectrum availability in the 'traditional' radio broadcast bands. The trial has shown that ADS can co-exist with PMSE in the same spectrum bands without the causing significant interference to PMSE licensees (the primary spectrum users) or other services. Finally, allowing ADS to share this spectrum on a longer-term basis is likely to better enable us to meet our general duty under the Communications Act to secure "the optimal use for wireless telegraphy of the electro-magnetic spectrum"¹³.
- A5.14 In light of these findings, and the fact that introducing ADS on a longer-term basis might result in a more efficient use of the spectrum, we conclude that it is sensible to intervene in order to establish a permanent regime for ADS.
- A5.15 Proceeding with this proposal would also be consistent with Ofcom's general statutory duties to further the interests of citizens and consumers in relation to communications matters, in particular by securing the optimal use for wireless telegraphy of the electro-magnetic spectrum; making available throughout the UK a wide range of electronic communications services; having regard to the different needs and interests of all persons who may wish to make use of the spectrum including the needs of the disabled and of the elderly (several establishments have approached Ofcom about the possibility of using ADS to provide simultaneous commentary for people with visual impairments) and the different interests of persons in different parts of the UK.
- A5.16 Against that background, there is then the consideration of what the best mechanism might be for giving effect to these services.

Option 2(a) *License CADS under the Broadcasting Act as well as the Wireless Telegraphy Act*

- A5.17 Having now had the opportunity to conduct a detailed review of ADS, Ofcom has concluded that under the Broadcasting legislation, ADS services do fall within the category of sound broadcasting services as defined in section 126(1) of the Broadcasting Act 1990 (as amended), on the basis that they involve the provision of a service consisting of the one-way transmission of sound intended for reception by members of the public. Since this category of service is licenseable under the legislation, ADS services must be licensed under the Broadcasting Act 1990.
- A5.18 This would involve imposing some additional burdens on ADS licensees. Notably the additional costs of Broadcasting Act licensing, such as the requirement to keep

¹³ Section 3 (2) (a) of the Communications Act 2003

a recording of their content for 42 days after broadcast, and the need to adhere to the Broadcasting Code.

- A5.19 However, the majority of ADS licences are either operated on a commercial basis or used within a commercial establishment which should allow ADS operators to off-set the charges for 'ADS-RSL' licences.
- A5.20 In addition, feedback from the trial shows that ADS operators would like the flexibility to offer a wider range of content. Specifically, they would like the freedom to broadcast self-generated content and to carry advertising and/or sponsorship. We believe that giving ADS these additional freedoms would better enable them to meet the particular demands of their audiences and that given the need to license ADS under the Broadcasting Act there would be appropriate safeguards in place should we receive any complaints about content broadcast via ADS services.
- A5.21 Section 97(2) of the Broadcasting Act 1990 allows for a government minister to lay before Parliament a Statutory Instrument (SI) making specific services or types of service exempt from the need to hold a BA licence.
- A5.22 This presents us with an alternative option:

Option 2(b) Ask the Secretary of State for Culture, Media and Sport to lay a Statutory Instrument (SI) before Parliament exempting ADS from the need to hold a Broadcasting Act (BA) licence

- A5.23 Notwithstanding the fact that ADS services' use of spectrum outside the 'standard' broadcast bands restricts their potential audience to listeners with a radio tuner capable of receiving PMSE frequencies, we do not believe that we should pursue this option. We have come to this conclusion for a number of reasons, including: the fact that ADS have pre-assigned access to spectrum (albeit on a secondary basis) for a fixed duration – meaning that they have the potential to build an audience – and the generally commercial nature of the services they provide. Moreover, should our proposal to allow ADS services to carry self-generated content and commercial messages meet with approval, these services would become virtually indistinguishable from other types of radio broadcast service which require a licence under the Broadcasting Act.
- A5.24 On the basis of the foregoing discussion it would seem that option 2(a) would meet Ofcom's relevant duties and objectives in a proportionate manner. Specifically, it is likely that it would optimise the use of spectrum, enable ADS operators to expand the type of services they offer while ensuring that appropriate safeguards are in place in relation to the content they broadcast. However, should you disagree with this conclusion we welcome your comments in relation to the factors considered above

Unused Spectrum between 55 and 68 MHz

- A5.25 Given that no specific proposals were made within this section of the consultation document, this Impact Assessment does not consider the invitation to comment upon the potential uses of the currently unused spectrum between 55 and 68 MHz. If the responses to this consultation suggest that there is demand for different uses for this spectrum we will conduct an Impact Assessment in order to consider the potential effect of these different uses.

Annex 6

Race impact assessment

A6.1 In accordance with Race Relations legislation, Ofcom has carried out a race impact assessment on the policy options, having regard to guidelines issued by the Commission for Racial Equality (CRE), which pose the following questions in relation to new policy proposals:

- Will the proposed policy involve, or have consequences, for citizen-consumers?
- Could these consequences differ according to people's racial group? (e.g. because they have particular needs, experiences or priorities)
- Is there any evidence that any part of the proposed policy could discriminate unlawfully, directly or indirectly, against people from some racial groups?
- Is there any evidence that people from some racial groups may have different expectations of the policy in question?

A6.2 Clearly, the policy options discussed in the consultation document are intended to have consequences for citizen-consumers, as they are intended to: contribute to a lessening of the regulatory burden where appropriate, to better enable us to meet our duty to secure the optimal use of the spectrum and to help us to secure a wide range of radio services which taken as a whole are both of high quality and calculated to appeal to a variety of tastes and interests. None of the proposed policy options are considered to have consequences which differ according to people's racial group. Moreover, there is no evidence that any of the policy options would discriminate unlawfully, directly or indirectly against people from some racial groups. Finally, there is also no evidence that people from some racial groups may have different expectations of the proposals in this consultation.

A6.3 Responses to this consultation from members of specific ethnic groups raising any particular matters of concern in relation to any of the proposals set out in this consultation will be carefully considered.

Annex 7

Glossary

| | |
|-----------------------|---|
| ADS | Audio Distribution Systems – Very short-range services (for use within a particular building) which share the spectrum between 60.75 to 62.75 MHz with PMSE licensees. They are usually available on a commercial basis (the mobile receivers are sold to users) to enable spectators at a particular sports event to listen in to the referees' commentary or to hear a relay of content which is already subject to the provisions of a Broadcasting Act licence. |
| BA | The Broadcasting Act 1990 |
| Induction Loop | A very short-range broadcasting system (for use within a particular building) allowing an ordinary radio receiver to pick up weak signals radiated from dedicated cabling. Induction loop systems minimise outgoing interference because signals are not normally audible more than a few metres away from the cabling. |
| L-RSL | Long-term Restricted Radio Licence – A long-term (five year) radio broadcast licence serving a single establishment (e.g. a hospital or university campus). |
| MoD | Ministry of Defence |
| PMSE | Programme Making and Special Events – This is the licensed use of PMSE equipment in the making of a programme for broadcast, the making of a film, presentation, advertisement or audio or video tape, and the staging or performance of an entertainment, sporting or other public event. |
| Roaming | The use of a particular frequency in different places across a large predefined area (e.g. across a region or even the whole country). |
| SI | Statutory Instrument - A piece of delegated or secondary legislation used to amend primary legislation for example, the Broadcasting Act 1990. |
| S-RSL | Short-term Restricted Service Licence – A temporary broadcast radio licence serving a relatively small geographic area. S-RSLs are usually issued for up to 28 days. |
| WTA | The Wireless Telegraphy Act 1949 (as amended) |