



Restricted Service Licences: Notes for Applicants

Notes of guidance for applicants for short-term RSLs,
long-term RSLs and ADS-RSLs

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Introduction

Restricted service licences (RSLs) are available for a range of uses, broadly falling under three headings: short-term RSLs, long-term RSLs and Audio Distribution Systems RSLs. A short definition of each is given below. These notes include information on applying for all three types of RSL (see contents page).

<p>Short-term RSLs (S-RSLs)</p>	<p>Are granted for:</p> <ul style="list-style-type: none"> • coverage of special events • other special projects (e.g. training) • trial services (e.g. in preparation for applying for a community radio licence) <p>Licensees are limited to :</p> <ul style="list-style-type: none"> • a small coverage area • a usual maximum of 28 consecutive days • a maximum of two licences per year, with a minimum four-month gap between the end of the first and the start of the second (but only one per year within the M25) <p>There are some exceptions to the consecutive days rule when covering a series of events:</p> <ul style="list-style-type: none"> • on AM at low power • within a stadium on FM at very low power • Up to 25 watts at a specific event-related venue, where the surrounding locality has low SRSL activity.
<p>Long-term RSLs (L-RSLs)</p>	<p>Are granted for :</p> <ul style="list-style-type: none"> • a service provided within a clearly-defined single site occupied by an establishment such as a university, hospital, military barracks, marina or shopping centre • broadcasting usually on AM only (FM is available in some locations) • up to five years (renewable)
<p>Audio Distribution Systems RSLs (ADS-RSLs)</p>	<p>Are granted for :</p> <ul style="list-style-type: none"> • services provided within a site, such as a sports stadium or conference centre • coverage of events or other temporary purposes (e.g. commentary, translation services) • services provided at the same site, or at a number of different locations • low power services broadcasting on spectrum other than FM or AM, the access to which has been secured separately • a five-year period

General Disclaimer

Information is supplied on a wide range of matters in these documents, many of which depend on interpretation of the law. The information given is not an exhaustive account of the statutory and licensing requirements and should not be regarded as a complete and authoritative statement of the law. Nor does any information issued by Ofcom, whether in Guidance Notes or elsewhere, imply any judgement by Ofcom as to commercial prospects for the licences, or that licensed services will be profitable.

Persons to whom these Guidance Notes are made available must make their own independent assessment after taking their own professional advice and making such further investigations as they deem necessary on all relevant matters. Ofcom makes no representation or warranty, express or implied, with respect to information contained in these Guidance Notes (together with the draft licence and other documents referred to in this document and the Annexes) or with respect to any written or oral information made or to be made available to any potential applicant or its professional advisers. Any liability therefore is expressly disclaimed. Ofcom reserves the right to alter or correct any part of this document.

Applicants should be aware that certain key features of the licensing process, such as fees, sanctions procedures and the drafting of the relevant content codes, may change in the future as various public consultations are carried out and their results assessed. For the time being, pending resolution of those issues, the current position will continue to apply.

Please note that clarifications have been made with regard to S-RSLs in areas and/or at times of high demand: see paragraph 1.3.

Please note that amendments have been made as follows:

With regard to extended duration S-RSLs, to paragraph 1.6 and 1.7.

With regard to L-RSLs, to paragraphs: 6.2, 10.2, 10.9, 10.10. Paragraphs 6.5 and 8.18 are new.

With regard to Amendment fees for S-RSLs and L-RSLs, to paragraphs 2.5 and 7.9.

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Section 1: Short-term RSLs

General rules for short-term RSLs

1.1 The general rules for short-term RSLs (S-RSLs) are set out below. Where more detail is available elsewhere in these notes, this is indicated.

- S-RSLs are granted for coverage of events, for special projects and for trials (in preparation for applying for a longer-term licence such as a community radio licence).
- S-RSLs are restricted in coverage and duration: they are for a usual maximum of 28 consecutive days (for exceptions, see paragraphs 1.5 and 1.6) and for small-scale community use (for more information see paragraph 1.7).
- They are generally issued on demand on a first-come, first-served basis at the discretion of Ofcom, subject to the conditions for their issue being met (as set out in these notes for applicants), and to the availability of a suitable frequency.
- An individual or group may be granted a maximum of two licences within any period of twelve consecutive months, in the same area of the UK. However, only one S-RSL per applicant per year will be granted in Greater London (within the M25). This is because of extremely limited frequency availability in this area. The exception to these rules is very low power FM in-stadium S-RSLs (see paragraph 1.6).
- There must usually be a minimum period of four months between the ending of a first licence and the start of a second (although there may be some flexibility allowable if S-RSLs are tied to particular event dates).
- These rules also apply to applications submitted in the name of different applicants but which plan to make use of the same source of programming or the same presentation team for all or a large part of the broadcast. However some links with other S-RSL operators in the same area or region of the UK may be acceptable, for instance: 'backroom' involvement such as training or advice; borrowing or leasing equipment.

RSLs for events

1.2 S-RSLs are used to provide coverage and information around a variety of different events, such as sports meetings, arts festivals and religious events. Applicants should note the following rules that apply to S-RSLs for event coverage:

- We will not normally grant more than one licence for coverage of an event (for the exception to this see paragraph 1.6).
- It is important that if an applicant wishes to broadcast coverage of an event, they obtain the written permission of the event organiser. If two or more applications are received with the backing of the event organiser, the event organiser will be invited to nominate one applicant to run the service. (For information on extended duration S-RSLs for events see paragraph 1.6 below.)

- In other circumstances, for instance applications to broadcast for an event that does not have an easily-identifiable organiser or recognised dates (e.g. religious events), we will normally grant a licence to the applicant whose application we receive first (as long as it is received no more than twelve months prior to the proposed start date, and subject to satisfying the conditions in these notes, and to frequency availability).

RSLs in areas, and/or at times, of high demand

1.3 For RSLs in areas of high demand, and/or at times of high demand, please note the following:

- In circumstances where we expect to receive a very large number of applications for broadcasts in the same area during the same period of time (not necessarily for coverage of the same event), our usual 'first come, first served' approach will not apply. Instead, we will invite applications to be submitted within a specified 'window'. This application 'window' will be announced on our website, and usually will open around a year in advance of the time period in question. We will then decide between the applications submitted during this 'window' by means of a draw, if necessary, and taking into account the availability of suitable frequencies. (Any application for a broadcast during the period in question which is received after the 'window' will be considered only if it is for an area for which we have not already received an application, and subject to the availability of a suitable frequency).
- In other circumstances, where two or more applications are received a year in advance (of the requested broadcast dates) and within a month of each other, and are proposing to broadcast in the same or overlapping areas and during the same or a similar time period (whether or not they are for the same reason or event), we may again hold a draw to decide which applicant will be offered a licence if both are applying for the same purpose or to cover the same event, or if there is only one suitable FM frequency available.
- To be eligible to be entered into a draw, each application needs to be complete (with valid application fee payment) and the applicant's regulatory record will be taken into consideration (e.g. if an applicant has been found in breach of their licence conditions in a previous broadcast, their new application may be rejected if another has been received for the same dates and location on this occasion).
- Multiple applications for a licence to cover a particular event from a single group, including applications submitted under different names but where each named person is connected to the others, will not be accepted. (Proof of identity and address may be requested.)
- The draw may be held in public, in which case Ofcom will invite applicants to attend and witness it.
- If an applicant is entered into the draw and not successful, the application fee will NOT be refunded.
- Ofcom reserves the right to vary these rules if justified by particular circumstances.

Trial services

- 1.4 S-RSLs are sometimes used by applicants to trial services prior to preparing to apply for a longer-term licence (such as an analogue commercial radio or community radio licence). Granting an S-RSL does not necessarily imply that such a licence will be made available in the area, and applicants should note that operating a restricted service is not a mandatory part of the commercial or community radio licensing process. In terms of analogue commercial radio, Ofcom announced in September 2006 that (with the exception of a new licence in north and mid-Wales which has now been awarded) no new local commercial radio licences will be advertised for the time being. Consequently, we do not intend to license any short-term restricted services as 'trials' for future analogue commercial radio licence applications. In terms of community radio, Ofcom will continue to accept applications for short-term RSLs from groups wishing to apply in future for a community radio licence. However, we will not license such services on FM in areas where there is no FM spectrum available to support any further community radio services. If we conduct a third round of community radio licensing, we will issue a statement on our website which will include reference to FM availability and list the areas where we do not have suitable FM frequencies. http://www.ofcom.org.uk/radio/ifi/rbl/commun_radio/tlproc/

Duration of licences

- 1.5 Ofcom rarely permits S-RSL broadcasts lasting longer than 28 consecutive days. However the duration or maximum licence period may be extended in certain exceptional circumstances, including the following:
- S-RSLs for coverage of an event of a duration of more than 28 days (for example, S-RSLs for the period of Ramadan and Eid may be licensed for a maximum of 32 days).
 - In areas where there is no existing commercial or community radio service we may be able to grant a licence for a longer period, on FM, at no additional cost. The maximum period likely to be allowed is 84 days, once in a twelve month period, with a second S-RSL of 28 days permissible after a four month gap. If there are such requests from more than one group in the same area, this may affect our ability to agree extended S-RSL licences.
 - For coverage of events on AM or FM (see below).

Extended duration S-RSLs

- 1.6 We will accept applications for up to 28 days of non-consecutive broadcasts at the same site, extending across an agreed period of time, for coverage of a series of events. Typical uses include football or motor racing 'seasons', but any events can be included and need not necessarily be sports-related. The tariff for these licences depends on the overall duration of licence, please see the tariff table for extended duration short-term RSL in Annex 2.
- These services can be licensed either
 - on AM at a maximum power level of 1 watt e.m.r.p., or
 - on FM at a maximum power level of 300 milliwatts (mW) e.r.p. (for in-stadium/site coverage only) (see also paragraph 5.9), or
 - on FM at a maximum power level of 25 watts e.r.p., subject to the following:

- a power level of more than 300 mW being required to deliver adequate coverage of the site/venue (e.g. racing circuit or race track)
 - the use of a power level above 300 mW not impeding our ability to license other S-RSLs in neighbouring areas (based on past and known future S-RSL activity). For example, we are very unlikely to agree to such requests in any major conurbation. This is because an extended duration RSL may tie-up a frequency for some months, and there is a general lack of suitable FM frequencies in many areas of the UK.
- Extended duration S-RSLs are for coverage of specific events, e.g. sports fixtures. Broadcast dates must be specified in advance, where possible. We must be notified of all changes to broadcast dates as soon as possible (e.g. if a sports fixture list changes due to replays or cup matches). If, for exceptional reasons, the usual 28-day limit is, after prior agreement, exceeded, no additional fee will be payable.
 - The service should be event-focused (e.g. including content such as event information and commentary) and for events taking place at the site of the service. These extended duration licences are not granted for general community services.
 - When a low-power FM in-stadium/site only S-RSL is proposed, we are also willing to consider a separate application for an extended duration S-RSL on AM for the same event, for example to serve people travelling to and from the same event.
 - The frequency allocated for an extended duration S-RSL may be licensed for other services nearby when the service is not on-air (event dates should be specified in advance).

Coverage area and power levels

1.7 In order to make optimal use of the spectrum available for this type of licence, and satisfy as far as is practicable the level of demand from applicants, S-RSLs are issued for a restricted coverage area as well as being restricted by duration, and are for small-scale community use. Licences are issued for coverage of a town or part of a city, typically a 3km (2 mile) radius in an urban area, or a 5-7km (3-4 mile) radius in a rural area. Power levels are set accordingly, with account also taken of interference levels, which limit coverage of the service. Coverage areas and transmitter sites, particularly for the higher power levels on FM, will be scrutinised carefully. Please note the following:

- The maximum power for which we can license these services is 25 watts e.r.p. on FM. This is typically used for rural locations, with a usual 10 watts maximum in urban areas.
- A low power (1 watt e.r.p.) option is available on FM, where very localised coverage only is required (e.g. for a drive-in movie, or to cover a campsite).
- 1 watt e.m.r.p. is the maximum available on AM.

- ‘In-stadium’ or ‘on site/establishment’-based S-RSLs (for coverage within an enclosed sports venue or building) for an extended period (e.g. for coverage of rugby or football matches) will be licensed at a maximum power of 300mW on FM, to facilitate coverage within the venue only.
- For an extended period (for coverage of a series of events only), up to 25 watts on FM may be considered for coverage of a larger site/venue, but only in areas of low S-RSL activity (see paragraph 1.6 above).

S-RSLs in areas with a new analogue commercial or community radio station

1.8 The following will apply:

- We wish to allow new local commercial and community radio services a reasonable opportunity to establish themselves with listeners and, where relevant, advertisers in their area. Therefore during the period starting one month before a commercial or community station’s launch and ending three months after the launch we will not normally license S-RSLs within the new station’s coverage area.
- In pursuance of Ofcom's general statutory duty to secure the availability throughout the UK 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 (section 3 of the Communications Act 2003), it is a requirement that the programme format of a short-term restricted service should broaden audience choice. Therefore, you must aim to provide something different from what is available on the commercial and community services in the area where you wish to broadcast. We may turn down applications that do not appear to be sufficiently different from a community or commercial radio service in the same area.
- The only exception to this requirement is in an area where the re-advertisement of a local commercial radio licence is planned. From one year prior to the planned pre-advertisement date, Ofcom may permit trial services of a format similar to the local commercial radio service for groups which intend to compete for that local licence. (Applicants should note, however, that the first rule above, regarding the issuance of S-RSLs in a new station’s licence area, takes precedence).

Promotional material

1.9 Both on-air, and in written promotional material, the fact that a group is broadcasting on a restricted service licence, and its duration, must be made clear. It should not be implied that a restricted service is any other type of licensed service. Failure to comply with this requirement may result in a sanction being imposed (see paragraph 4.6).

Section 2: Short-term RSLs

Cost of licences

2.1 You will need to pay a fee when you submit an application (see paragraph 2.2 below). You will also need to pay two further fees when licences are granted (see paragraphs 2.3 and 2.4). VAT is not payable on either application or licence fees. Please refer to Annex 2 for a tariff of all RSL fees.

Application fee

2.2 Each application must be accompanied by an application fee of £400 (cheques should be made payable to Ofcom). This is normally non-refundable. If we are unable to grant a licence for reasons beyond an applicant's control (e.g. due to the lack of a suitable frequency) this fee may be refunded. However, we reserve the right to retain the application fee under other circumstances if we feel this course of action is justified. (For example, the application fee will be retained if an application is late, if it breaches the rules on the number and timing of RSLs, or we have spent time processing an application and liaising with an applicant prior to rejection.) If the application fee is not received for an application which would be subject to a draw as mentioned in paragraph 1.3, the application will automatically not be considered for that draw.

Licence fees

2.3 Two licences are required to broadcast, a licence under the Broadcasting Act 1990 and a licence under the Wireless Telegraphy Act 2006. Both are issued by Ofcom. Fees for each are collected separately, and you will therefore be sent two invoices (this is because fees collected for Broadcasting Act licences are used to directly pay Ofcom's costs in administering this particular type of licence, whereas the fees for Wireless Telegraphy Act licences are handled under different legal powers and arrangements with the government).

2.4 Licence fees are charged on a daily rate basis in accordance with a published tariff, reviewed periodically. The daily rate charge varies depending upon waveband and power level (see Annex 2 to this document). Please note the following:

- You will be charged for every day in the licence period, including days for testing and any days during the period when you do not broadcast (except extended duration S-RSLs, which have a separate pricing structure).
- Licence fees become payable after a frequency has been cleared for your use, and invoices will usually be sent to you at that time (up to 6 weeks prior to broadcast). Sometimes invoices will be sent prior to frequency clearance to allow sufficient time for your payment to be received and processed.
- Licences will only be issued (i.e. sent to you) after the payment for all licence fees due has been cleared through our bank. Two invoices will be sent to you, and each needs to be settled separately. We ask for seven working days for cheque clearance; if this is not possible, we must ask for a banker's draft or credit transfer, which must be received no later than 24 hours prior to the commencement of the broadcast. If payment is made by a credit transfer, licences will not be issued until after a letter of confirmation has been received by fax (fax number 020 7783 4589) from your bank confirming the transfer of

funds. Credit card payments can only be accepted up to a maximum limit of £2,000. (Please see Ofcom's bank details in paragraph 2.7 and 2.8 below)

- Once the licences are granted, you may be liable for payment in full of the licence fees as stated in the tariff table (Annex 2), regardless of whether or not the licences are subsequently issued and the planned service comes to fruition, unless you notify us promptly that you wish to cancel your broadcast.
- Failure to pay fees owed may disqualify you from consideration of any future licence applications.
- Broadcasts must not commence until we have confirmed receipt of licence fees and that licences have been issued.

Amendment fees

2.5 After an S-RSL application has been accepted by us, and sufficient work carried out; any requests to amend details of an application will incur a non-refundable fee of £200. This charge covers the cost of re-clearance of frequencies and associated administration. It includes, for instance, proposed changes to transmission site, broadcast dates, callsign, licensee, etc. Proposed changes will still require our approval. Any changes requested by Ofcom will not incur a charge. After a Wireless Telegraphy Act licence has been issued (i.e. sent to you), the only changes that can be considered are for emergency purposes, as emergency re-clearance of the frequency or site may be required.

Postponements

2.6 If you wish to postpone your broadcast once an application has been accepted by Ofcom, an amendment fee of £200 will be payable. You may postpone an application for up to twelve months from the original date that you planned to commence broadcasting.

Ofcom's bank details

2.7 Application fees, Broadcasting Act licence fees, amendment and postponement fees should all be made payable to Ofcom. For electronic payments, our bank details are as follows:

Lloyds TSB Bank Ltd, 69-73 Borough High Street, London SE1 1NQ.
Account Number: 00782415
Sort Code: 30-97-90

2.8 For Wireless Telegraphy Act licence fees, cheques should be made payable to Ofcom. However, for electronic payments, a different bank account is used for these fees. The details are as follows:

Lloyds TSB Bank Ltd, 69-73 Borough High Street, London SE1 1NQ
Account Number: 00740372
Sort Code: 30-97-90

Please ensure that your customer account reference number (which is given on your invoices) and/or your invoice number is/are stated when making your payment either electronically or by cheque.

Section 3: Short-term RSLs

Licensing conditions and procedures

Submission of applications

- 3.1 Applications must be submitted on the short-term RSL application form, which can be downloaded from the Ofcom website at <http://www.ofcom.org.uk/radio/ifi/rbl/rsls/>. To request a hard copy, email rsl.enquiries@ofcom.org.uk or call Mino Asir on 020 7783 4389, James Croft on 020 7783 4394, or Elaine Woolford on 020 7981 3886.
- 3.2 Please send the completed application form plus any additional relevant information as well as the non-refundable application fee (£400) to: Restricted Service Licensing, 5th Floor, Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Emailed copies will not be accepted, as we need a signed copy of the application and an accompanying application fee, for an application to be valid.
- An application must be submitted **AT LEAST SIX WEEKS** before the first date for which the licence is required, to allow sufficient time for the application to be checked and, if approved, a suitable frequency allocated and cleared and licences granted. Applications received after the six-week deadline will not normally be accepted.
 - An application for a low-power FM in-stadium service should be submitted at least eight weeks in advance; however, six weeks before broadcast date will be acceptable if the applicant has identified a suitable frequency (see paragraph 5.9 for guidance).
 - On receipt of your application, an acknowledgement email will be sent. In the event that an application is either delayed in transit or fails to arrive six weeks before the first date for which the licence is required, your application will not be accepted.
 - Applications cannot be considered more than twelve months in advance of the intended start date of broadcasting.
 - Applications will be treated as confidential. However, under certain circumstances, Ofcom may wish to consult a third party, for legal or other reasons.
- 3.3 Successful applicants will be granted two licences: a Broadcasting Act licence which, inter alia, authorises the provision of the licensed service and necessitates compliance with all relevant Codes, and a Wireless Telegraphy Act licence, which authorises the operation of a transmitter on a specified frequency. Licences will not be sent until all fees have been received and cleared through our bank.
- 3.4 Details of your broadcast (dates, location, call-sign, frequency and public contact details) will be published on our website when your application has been approved (that is, we have agreed to grant the licence).

Identity of the licensee

- 3.5 In most cases the applicant will be the person whose name appears on the licence. However, if the applicant and the licensee are two different people (or companies),

details of both should be provided in the application, and the application form must be signed by both the applicant and the proposed licensee (it is the licensee who will be held responsible for the broadcast). In addition we need to know whom to contact in an emergency, or if we should receive a complaint about the service.

- 3.6 The licensee of a student radio service (usually based at a university or college) must normally be a permanent member of university or student union staff. (This does not include elected officers).
- 3.7 An S-RSL licence is not transferable except with the prior consent in writing of Ofcom. Ofcom needs to be satisfied that the person to whom it is proposed to transfer a licence would be in a position to comply with the licence conditions, is not disqualified from holding a Broadcasting Act licence, and is a 'fit and proper' person. If Ofcom agrees to such a transfer, an amendment fee of £200 will be payable.

Eligibility to hold a licence

- 3.8 Restricted service licences cannot be issued to applicants who are 'disqualified persons' as defined in the Broadcasting Act 1990 and amended by the Communications Act 2003. 'Disqualified' categories include local authorities, the BBC, and the Welsh Authority. Local authorities are disqualified from holding a Broadcasting Act Licence, including Restricted Service Licences unless the broadcast service is provided exclusively for the purposes of carrying out functions set out in section 142 of the Local Government Act 1972. Under that section, local authorities are permitted to make arrangements for the broadcasting or distribution of information concerning the services of a local authority and assist voluntary organisations to provide information and advice in certain circumstances. Ofcom cannot therefore grant a Broadcasting Act Licence to a local authority unless the information to be broadcast falls within the functions set out above. Other disqualified categories include advertising agencies, and persons convicted for unlicensed broadcasting ('pirate') offences in the previous five years (see paragraph 3.16). If you wish to involve interests falling into any of these categories, you should contact us for further advice. Ofcom may require an applicant to provide any information we may need in determining whether an applicant is a disqualified person as described above. Please note that undischarged bankruptcy will make an applicant ineligible to hold a licence.
- 3.9 A political organisation (i.e. a body whose objects are wholly or mainly of a political nature) or any affiliated body cannot hold a licence. An officer of a political organisation is restricted from involvement in a radio licence (staff employed by these organisations are not disqualified). However, funding from a political body may be acceptable if Ofcom is satisfied that it would not be against the public interest.
- 3.10 A religious body can hold a licence provided that Ofcom is satisfied that it, or those broadcasting on its behalf, would be able to adhere to the Ofcom Broadcasting Code. If an application is submitted by a religious body we need to carry out a 'religious determination' in accordance with Part 4 of Schedule 14 of the Communications Act 2003. For further information, please see the guidance published on our website at: [www.ofcom.org.uk/tv/ifi/tvlicensing/guidance notes and apps/guide rel bod/](http://www.ofcom.org.uk/tv/ifi/tvlicensing/guidance%20notes%20and%20apps/guide%20rel%20bod/)
- 3.11 Any award of a licence may be revoked before its grant if there is any change to the applicant (such as a change in its control).

Fit and proper persons

- 3.12 Ofcom is required to satisfy itself that proposed licensees are ‘fit and proper persons’ before it may grant a licence. The application form includes questions and a declaration designed to enable Ofcom to achieve these objectives (see questions 23 and 24 of the S-RSL application form). Applicants and licensees should be aware that if they withhold any information with the intention of causing Ofcom to be misled, they will be in breach of the Broadcasting Act 1996 (Section 144), if the information would be relevant in determining whether they are a disqualified person. In such circumstances, the licence may be revoked and the applicant could be subject to additional sanctions (see paragraph 4.6).
- 3.13 S-RSL applicants and licensees are required to certify their qualification to hold a licence, by signing and dating question 24 of their S-RSL application form (unsigned applications will be returned). If you cannot satisfy Ofcom on questions raised, a licence award may be withdrawn, or the broadcast delayed. In addition, if during the licence period we become aware of such information to suggest that the licensee is no longer a ‘fit and proper’ person, the licensee will no longer be allowed to hold the licence.

Issuing of licences

- 3.14 Licences are usually posted to a licensee. However, licences can be sent by email. Please supply the email address of the licensee where requested on the application form and indicate that you are content to receive an electronic copy of your licences (see Q.1.3). Where a licence is sent by email a hard copy will not be sent.

Sources of funding

- 3.15 Under the terms of the Broadcasting Act 1990 as amended by the Communications Act 2003, funding from political bodies (i.e. a body whose objects are wholly or mainly of a political nature) or publicly-funded bodies may be acceptable, provided that by such funding, the funder is not, in Ofcom’s opinion, exerting influence over the licensee’s activities and that influence has led, is leading or is likely to lead to results adverse to the public interest (activities would include, for instance, the management of the station and/or the content of its programming but would extend to its other activities). We require information on any funding from, or on behalf of, a political organisation or a religious body (please see question 19 of the RSL application form).
- 3.16 You may sell airtime for advertising, and may carry sponsored programming, or station sponsorship, provided that you follow all requirements of the Advertising Standard Authority’s Radio Broadcast Advertising Code (www.asab.org.uk/asa/codes/) and the Ofcom Broadcasting Code (www.ofcom.org.uk/tv/ifi/codes/bcode/). Guidance on the Ofcom Broadcasting Code can be found at www.ofcom.org.uk/tv/ifi/guidance/bguidance/. In all dealings with potential advertisers, you should make it clear that you are operating under a restricted service licence, and its duration. Exaggerated claims of coverage area and potential audience must be avoided. Evidence of such claims may jeopardise the likelihood of your being granted further licences in the future.

Convicted ‘pirate’ broadcasters

- 3.17 Anyone convicted of an unlicensed broadcasting offence within the last five years is prohibited, under the Broadcasting Act 1990, from holding a licence. An applicant

who is granted a licence is also required to ensure that such a convicted person is not involved in the operation of the service or station or in making its programmes.

Appeals procedure

- 3.18 Any challenge to a licensing decision should be addressed in the first instance to Ofcom's Manager, Community Radio and RSLs. If no resolution is forthcoming, the matter may be presented for adjudication to Ofcom's Head of Broadcast Licensing and its Director of Radio Content and Broadcast Licensing.

Section 4: Short-term RSLs

Content

Programme content of service

- 4.1 Applicants need to provide information about the proposed programme content and how it is relevant to listeners at the event or area for which the licence is required. We need outline details of what speech material is proposed (including any programming of a political or religious nature), plans to broadcast in languages other than English, what kind(s) of music will be played, the proportion of speech to music, and how much of the output is locally-originated. A summary of intended programme content will be incorporated in the licence. Please see question 10 of the S-RSL application form. If you propose to broadcast a sustaining service or other material from a source other than the licence holder, we need details of what is to be broadcast, the source, and timings. A licensee who subsequently departs substantially and without good reason from the programme content as set out in the application and summarised in the licence may have sanctions applied (see paragraph 4.6).
- 4.2 In pursuance of Ofcom's general statutory duty to secure the availability throughout the UK 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 (section 3 of the Communications Act 2003), it is a requirement that the programme format of a short-term restricted service should broaden audience choice. Therefore, you must aim to provide something different from what is available on the commercial and community services in the area where you wish to broadcast. We may turn down applications that do not appear to be sufficiently different from a community or commercial radio service in the same area.
- 4.3 An RSL operator may carry some programme material from the BBC, provided it is only a minor part of the output. Ofcom is prevented under the Broadcasting Acts 1990 and 1996 from issuing restricted service licences to the BBC. We believe it is important that we do not compromise the legislation, or confuse listeners, and therefore any programme material from the BBC should not normally be identified on-air as having been provided by the BBC and should not form a substantial part of the output. The use of any programming from a source other than the applicant is subject to Ofcom approval, and reference to it will be included in the summary of the programme content which forms part of the licence.
- 4.4 All broadcast output must comply with the relevant Ofcom and Advertising Standard Authority's Codes (for further information please see www.ofcom.org.uk/tv/ifi/codes/bcode/ and www.asab.org.uk/asa/codes/).

Recording of output

- 4.5 The licensee is required to ensure that a recording is made of all broadcast output, including advertisements and sustaining services. You must retain these recordings for a period of 42 days after broadcast, and make them readily available to Ofcom or to any other body authorised to deal with complaints about broadcast programmes and/or advertisements. Failure to provide a recording on request will be treated seriously, and may result in a sanction being imposed. This may then be taken into account should you apply for a licence in future.

Sanctions

- 4.6 In investigating any complaint to Ofcom against your station or its programme output, there will be an opportunity for you to respond. Ofcom's powers to impose statutory sanctions come from the Communications Act 2003 and the Broadcasting Acts 1990 and 1996 (as amended). In the event of a complaint against you being upheld, the range of sanctions Ofcom may impose on its licensees include:
- Issue a direction to broadcast a correction or a statement of Ofcom's findings which may be required to be in such form, and to be included programmes at such times as Ofcom may determine;
 - Impose a financial penalty;
 - Shorten a licence;
 - Suspend a licence; or
 - Revoke a licence.
- 4.7 In the event of a complaint against a licensee being upheld by Ofcom, any costs we incur, including the translation of material broadcast in any language other than English, will be charged to the licensee.

Call-sign or station name

- 4.8 You should adopt an on-air name (a call-sign), broadcast at regular and frequent intervals, which clearly identifies the name and frequency of the service. This call-sign should be specified at the time of application, (see question 18 of the S-RSL application form). It will be included in the terms of your licence, and therefore we need to be notified of any proposed change prior to licence issue. Call-signs will not be permitted if they are likely to cause offence, or if they are likely to mislead listeners as to the nature of the service. They are agreed on the understanding that the applicant will have cleared all necessary right and trade-marking issues. Ofcom cannot, and will not, act as an arbitrator in the event of a dispute regarding the use of a particular name.

Copyright

- 4.9 The licensee is responsible for reaching agreement with those owning copyright or performing rights to any of the material which it is proposed to broadcast. If you intend to broadcast recorded music you must contact Phonographic Performance Ltd. (PPL) www.ppluk.com, 1 Upper James Street, London W1R 3HG (tel. 020 7534 1000); and the Performing Right Society (PRS) www.prsformusic.com, 29/33 Berners Street, London W1P 4AA (tel. 020 7580 5544). Live performance of music, or the playing of music originating outside the UK, will still be subject to copyright or performing rights licensing. The recording of music for any purpose, and the broadcast of production library discs, will require a licence from the Mechanical Copyright Protection Society (MCPS) which is at the same telephone number and address as PRS (www.prsformusic.com). We cannot advise on copyright or performing rights requirements, and you should contact the relevant bodies directly for such information.

Section 5: Short-term RSLs

Technical matters

- 5.1 Short-term restricted service licensees should not expect every nook and cranny of their desired coverage area to receive a perfect signal. There may be some 'patches' that will have poor reception, or no reception at all. This will particularly arise where terrain and building density either near the transmitter, the receiver, or in-between, obstruct signals to a greater extent than typical, and all the more so when the frequency is subject to other incoming signals on the same and adjacent frequencies.
- 5.2 Your transmitter site must be appropriate for the town/location you wish to cover. We reserve the right to reject high sites which may deliver an inappropriately large coverage area for this type of licence. Generally, field strengths, and the ease of reception, increase closer to the transmitter, so you may have to make a trade-off between the overall area covered, and the ease of reception in the core of the target area.
- 5.3 Stereo transmission is permitted; however, you may prefer to transmit in mono to offset the effect of interference from other services; this may increase your effective coverage area.
- 5.4 For broadcasting on AM (medium wave) the agreed coverage area is for broadcasts during daylight hours. The same power level will also apply after dark, when reception may be reduced, sometimes substantially, by incoming interference.
- 5.5 Licence fees are charged on a daily rate basis, and are related also to waveband (FM or AM) and power level (FM only).
 - For FM licences there are generally two tiers of power level: an effective radiated power of up to 1 watt; or, above 1 watt, up to and including 25 watts. ('In-stadium' restricted services will be licensed at a power of up to 300 mW and charged at the 1 watt FM rate).
 - On AM, we can license an effective monopole radiated power of up to 1 watt. (Please refer to Annex 2 for tariff of fees.)
 - For S-RSLs on FM or AM for an extended duration please refer to Annex 2 for tariff of fees.

Transmitter site

- 5.6 It is important that you provide the correct national grid reference (NGR) and full address of your chosen transmitter site. Failure to do so may delay the processing of your application (an incomplete application form may be rejected). If possible, do not change your transmitter site after submission of your application, as any proposed change has to be checked and agreed, and is subject to an amendment fee of £200 (see paragraph 2.5); if a frequency has been allocated, this is likely to need re-clearance.

Antenna height restrictions

- 5.7 The maximum antenna height for FM or AM transmissions is 20 metres above ground level. In certain areas, such as coastal regions, an applicant wishing to broadcast on FM at the higher power range from a 20 metre high antenna would require international clearance; this is a situation we wish to avoid. We may therefore need to impose power and/or antenna height restrictions. We reserve the right to vary agreed maximum power and/or antenna height in any area should problems occur (e.g. interference to other users of the spectrum). For FM 'in-stadium' event services, the radiating aerial should be mounted within the stadium arena, and no higher than the tallest of the principal structures (excluding pylons).

Frequencies

- 5.8 The frequency sub-band of 87.7-87.9 MHz (FM) has been reserved by Ofcom for use by restricted services, although other frequencies within VHF Band II (87.7-108 MHz) are also used (which ones are 'available' is obviously dependent upon location). AM services are licensed on a frequency in the medium waveband (531– 1602 kHz). The coverage obtained on a given frequency for a given power and aerial height varies according to the levels of interference present, and, generally speaking, restricted services are likely to experience higher levels of interference, especially on the fringes of their coverage area, than commercial radio and BBC stations. You may find that other restricted services, including ones you have previously operated, enjoy lower levels of interference, but that is not to be taken as a norm in an increasingly congested spectrum.
- 5.9 In the case of FM frequencies for 'in-stadium' use (see paragraph 1.6), Ofcom will usually only regard frequencies as available and suitable if they are subject to very high levels of interference, e.g. in the order of 40dB ($\mu\text{V}/\text{m}$) at 10m receiving height for co-channel interference. This condition is to avoid prejudice to the availability of frequencies for other services for the duration of the restricted service (this consideration is primary in Ofcom's frequency use policies).
- 5.10 You may request a preferred frequency on the FM or AM band. However, there is no guarantee that a requested frequency can be cleared, and you should not assume that if you have had a particular frequency in the past you will get it again. There can be no guarantee that an available frequency will be found on your preferred waveband. Suitable FM frequencies in metropolitan areas are already scarce. Normally only one frequency will be made available for each licence issued.

Frequency clearance

- 5.11 Each approved application will have a suitable frequency identified and cleared through a formal process involving outside bodies. Applications should be submitted as early as possible to enable prompt frequency clearance. Early application is particularly important in areas of high demand and few suitable FM frequencies, such as Greater London. In such areas we may have to turn applications down due to the lack of suitable FM frequencies. Frequency clearance of applications is usually undertaken in on-air date order and, if applications are received early enough, we aim to get official clearance confirmed up to two months in advance of the proposed on-air date. We cannot accept applications within six weeks of the requested on-air date. We may contact you before clearance if the frequency is different from that requested, to inform you what frequency is being proposed. However, this frequency is liable to change if rejected at the clearance meeting, and should therefore be treated as provisional at this stage. Confirmation of frequency clearance will be

provided via letter and email. At this stage, details of your frequency will be placed on our website alongside the other information relating to your broadcast (see paragraph 3.4).

- 5.12 Early notification of frequency is often requested for advance publicity purposes, and we will do all we can to give early frequency clearance. However, frequencies cannot usually be assigned a long time in advance of intended on-air date. Some restricted services are allocated frequencies in the sub-bands used for commercial radio (and sometimes those primarily allocated to BBC services), and many of these are only available for temporary use (it is not always known very far in advance on what date they might be utilised in any area by new permanent services). Usually you will be notified of your frequency shortly (i.e. a few weeks) before your proposed on-air date depending, of course, on how early you submitted your application. We reserve the right to change an allocated frequency, if this proves to be necessary.
- 5.13 If an applicant wishes to propose a number of 'in-stadium' services (at 300mW on FM) for sports events coverage and is unable to submit applications more than two months prior to the proposed start date (all S-RSL applications must be submitted at least six weeks before the proposed launch date), the onus will be on the applicant to suggest suitable frequencies that would then be subject to our approval.

Encrypted services

- 5.14 We are unwilling to license a short-term restricted service with an encrypted radio signal. Given the limitations on the availability of analogue radio spectrum, Ofcom regards it as its duty to make all licensed services as widely available to potential listeners as possible, and the encryption of signals - which restricts their availability - runs contrary to this principle.

Studio site

- 5.15 The programme service for a short-term restricted service should normally originate from a studio within, or close to, the target area. Please provide us with a studio telephone number, when available.

Studio to transmitter links

- 5.16 If your studio and transmitter are going to be at different locations you will need to connect them by a leased landline, ISDN, or radio link. If you want to use a radio link you will need to apply to JFMG Ltd. for a licence. Please contact JFMG for details. JFMG Ltd., 33-34 Alfred Place, London WC1E 7DP, telephone 020 7299 8660 (fax 020 7299 8661), www.jfmq.co.uk

RDS

- 5.17 If you intend to transmit RDS data, you must indicate this on your application form to allow for us to allocate a PI code. All RDS data must be accurate, and in accordance with IEC62106. Dynamic alteration of the Programme Service Name is not permitted, nor is transmission of the Traffic Programme (TP) flag, unless dynamic control of the Traffic Announcement (TA) flag is available.

Engineering Code

- 5.18 Transmissions will be required to conform to Ofcom's Engineering Code (site engineering code for analogue radio broadcast transmission systems), which is

available on the Ofcom website

www.ofcom.org.uk/radio/ifi/rbl/engineering/eng_code/.

- 5.19 For more information about coverage, applicants may also find it useful to read the Ofcom engineering document entitled 'Coverage: Planning Policy, Definitions and Assessment'. This can be found on the Ofcom website at:
www.ofcom.org.uk/radio/ifi/rbl/car/coverage/pp_def/

Technical characteristics

- 5.20 The technical conditions governing the installation and operation of short-term restricted services are set out in this document and in Ofcom's Engineering Code. At the time of application, we require an undertaking that transmission equipment, including aerials, complies with these technical conditions. We need to be satisfied that these are acceptable before the necessary licences can be granted; see question 16 of the S-RSL application form. We deal directly with applicants over all aspects of transmission characteristics and frequency clearance. Please note that your equipment may be inspected, and your transmissions monitored, by Ofcom's Technical Investigation Officers.

Technical competence

- 5.21 It is important that you have good reliable technical assistance. Failure to do so can lead inadvertently to interference to other authorised spectrum users (such as the emergency services) and closure of the station until the problem is resolved. Licence conditions must be strictly adhered to. Any unauthorised action to increase the power level beyond the maximum permitted, or otherwise to alter the characteristics specified in the licence, will be treated very seriously, and may result in the revocation of the licence and disqualification from the holding of future licences, at the discretion of Ofcom. The licensee will be held responsible if any terms of the Wireless Telegraphy Act licence or the Broadcasting Act licence are not adhered to.

Other responsibilities

- 5.22 Please see Ofcom's Engineering Code (Section 1.2). In particular your attention is drawn to the need for compliance with EC Directive 1999/5/EC on radio equipment (the R&TTE Directive), as embodied by Statutory Instrument 2000 No. 730. This only applies to newly installed transmitters, which are required either to carry the appropriate CE stamp indicating compliance, or be accompanied by a bill of sale, indicating purchase prior to 8 April 2000. The serial number and manufacturer's name, matching those on the equipment concerned, must also be included on the bill of sale.

Interference problems

- 5.23 The station should be so designed, constructed, maintained and operated that its use does not cause any interference with any wireless telegraphy or other services.
- 5.24 If, within your designated service area, you should suffer from interference on your allocated frequency during your broadcast, or prior to broadcasting discover another service on the frequency, please let us know. To report interference or illegal broadcasters anywhere in the UK, please contact the RSL team or Ofcom's Advisory Team on 0845 456 300 during office hours and 01462 242 8500 at other times. Please be aware that Ofcom cannot give compensation for disruption to your service by the actions of an illegal operator.

Test transmissions

- 5.25 Any time required for test transmissions should be included within the dates for which the licence is requested, and the testing and broadcast period together should not exceed 28 days in total (unless the licence has been granted for a longer period). Announcements made during test transmissions should refer to the fact that they are for a restricted service licence, the duration of the licence and the call-sign.

Further information

Further information on any aspect of the licensing of S-RSLs may be obtained from:

Mino Asir
Broadcast Licensing and Radio Policy, 5th Floor
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7783 4389. Email: RSL.Enquiries@ofcom.org.uk

Specific information regarding technical matters relating to RSLs can be obtained from:

David Harrison
Broadcast Technical Policy Team, 3rd floor
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7783 4391. Email: David.Matthew.Harrison@ofcom.org.uk

Section 6: Long-term RSLs

General rules for long-term RSLs

- 6.1 Long-term restricted service licences (LRSLs) are for broadcasting within a defined site or location only and not for the wider surrounding community. The broadcaster must operate within a clearly definable single site, i.e. where an unbroken boundary line can be drawn, within which all property is part of the host establishment, and there is no permanent resident population. Both commercial and non-commercial sites are eligible for LRSLs. Examples of establishments eligible to be served by a long-term restricted service might include hospitals, campuses, schools, marinas, army barracks or shopping centres. Services can also be provided to penal establishments, for which there is a separate licensing procedure (see paragraph 6.10).
- 6.2 There are three types of long term restricted service licence.
- Low-powered AM (LPAM) licences are available throughout the UK, except within the area enclosed by the M25 London orbital motorway, and allow for freely-radiating transmission on the AM waveband at a usual maximum radiated power of up to 1 watt.
 - Low-powered FM (LPFM) licences are generally available in pre-defined, sparsely populated, areas of England, Wales and Scotland (see map at Annex 1). At Ofcom's discretion FM may also be available in areas where there has been no short-term RSL (SRSL) activity over a long period (normally three years or more). LPFMs allow for freely-radiating transmission on the FM (VHF) waveband at a usual maximum radiated power of 50 mW, however up to 500 mW of radiated power may be available depending on the coverage required. (This will be considered on a case by case basis. See paragraphs 6.5 and 10.2 for further information.)
 - Induction loop (IL) licences are available throughout the UK, and allow for limited coverage, usually within selected buildings only, on the AM waveband.
- 6.3 For both AM and FM licences, there is likely to be some overspill of the signal into areas beyond the licensed site during daylight hours. However, it is a condition of the licence that this overspill area is not acknowledged, either on-air or in off-air promotion and publicity. No service should be directed at listeners living outside the licensed site.
- 6.4 L-RSLs are generally issued on demand on a first come, first served basis at the discretion of Ofcom, subject to the conditions for their issue being met (as set out in these notes for applicants), and to the availability of a suitable frequency.

Availability of FM frequencies for LRSLs

- 6.5 The map attached as Annex 1 to these notes shows, in green, the regions of the UK where FM frequencies are more likely to be available for LRSLs. In addition Ofcom will consider applications for LPFMs in other locations if the area has had no SRSL activity over a long period (normally three years or more). As a guide, 'area' means a radius of around 10-12 km from the location of the proposed LPFM in urban locations and 15-20 km in rural areas. The area we need to take into account may vary depending on local topography, and our purpose is to ensure that the licensing

of an LPFM will not inhibit our ability to license SRSLs in adjacent areas for which we continue to receive applications. If you wish to investigate the feasibility of an LPFM please contact the RSL team for further information, or alternatively complete and return the short form on our website

<http://www.ofcom.org.uk/radio/ifi/rbl/rsls/rslapps/> regarding availability of FM in your area. If you are currently broadcasting on a LPAM licence and wish to consider a move to FM, please see paragraph 8.18.

Duration of licences

- 6.6 LRSs may be issued for a minimum of one year and a maximum period of five years (if necessary, the term can be measured in increments of six months to allow flexibility for operators). LRSs are normally renewable at the end of the licence period, subject to the payment of a £200 renewal fee, which is payable in addition to the annual licence fees.

Availability of licences

- 6.7 No establishment may be served by more than one long-term restricted service, with the exception of an IL licence, which may be operated in tandem with either an LPAM or LPFM licence at the same establishment, subject to Ofcom approval. No operator may hold more than one LPAM or LPFM licence to serve the same establishment.

Special dispensation for sites in close proximity and in common ownership

- 6.8 Generally, no more than one LPAM or LPFM licence will be issued to any applicant within a given area (where an area is defined as a circle of 13km radius). However, Ofcom recognises that, in some circumstances, an operator may wish to serve two or more sites in close proximity (but nonetheless separate) that are in common ownership and form different parts of the same institution. (For example, a university may have both a 'main campus' and a smaller 'satellite campus', and an aspirant LRS operator may be keen to serve both). This is usually permissible, but requires the applicant to install a separate transmitter at each site and (since we will only issue one LPAM or LPFM frequency per operator in any area) the use of the same frequency at each site.
- 6.9 If the sites to be served are within 6 km of each other, they may be served by the same Broadcasting Act licence but separate WT Act licences will be required for each transmitter. At this distance, the requirement to use the same frequency at each site implies the need for synchronous working, whereby each transmitter broadcasts the same programme service, with appropriate controls in place to limit differences in the exact frequency transmitted and the relative delay in the modulating audio between the transmitters on this network.

If the sites are more than 6km apart (but less than 13km), then a separate Broadcasting Act licence must be sought for each site (with separate WT Act licences also to be issued). At this distance, different programme services may be broadcast by the transmitters at each site, but a power reduction will be required at least one, and possibly all, of the sites concerned in order to prevent the services from interfering with one another.

Penal Establishments

- 6.10 Anyone wishing to serve a penal establishment must submit an application in the usual way (see paragraphs 7.1 and 7.2), but due to the Crown Exempt status of some such establishments they will not be required to hold a Broadcasting Act licence or a Wireless Telegraphy Act licence, or to pay the accompanying licence fees. Instead, such stations are issued with two notices of authorisation, one in lieu of a Broadcasting Act licence and the other in lieu of a WT Act licence. An application fee of £200 is payable.

Section 7: Long-term RSLs

Cost of licences

7.1 You will need to pay a fee when you submit an application (see paragraph 7.2 below). You will also need to pay two further fees when licences are granted. These are the first year's licence fees (see paragraphs 7.3-7.8 below), and will become payable each subsequent year for the 5-year licence period. VAT is not payable on either application or licence fees. Please refer to Annex 2 for a tariff of all RSL fees.

Application fee

7.2 Each application must be accompanied by an application fee of £200 (cheques should be made payable to Ofcom). This is normally non-refundable. If we are unable to grant a licence for reasons beyond an applicant's control (e.g. due to the lack of a suitable frequency) this fee may be refunded. However, we reserve the right to retain the application fee under other circumstances if we feel this course of action is justified (for example, if we have spent time processing an application and liaising with an applicant prior to rejection.)

Licence fees

7.3 Two licences are required to broadcast, a licence under the Broadcasting Act 1990 and a licence under the Wireless Telegraphy Act 2006. Both are issued by Ofcom. Fees for each are collected separately, and you will therefore be sent two invoices (this is because fees collected for Broadcasting Act licences are used to directly pay Ofcom's costs in administering this particular type of licence, whereas the fees for Wireless Telegraphy Act licences are handled under different legal powers and arrangements with the government).

7.4 Licence fees are charged in accordance with a published tariff, reviewed periodically. The annual cost of a long-term RSL licence varies depending upon whether the licences are for a service on freely-radiating AM, FM or induction loop. (Please see the tariff in Annex 2 to this document.)

- Annual Broadcasting Act licence fee for services on freely-radiating AM is £275
- Annual Broadcasting Act licence fee for services on FM is £140
- Annual Broadcasting Act licence fee for services on induction loop is £140
- In addition the annual Wireless Telegraphy Act licence fee is £100 per transmitter

7.5 Licence fees are payable in advance each year. The first year's licence fees become payable after a frequency has been cleared for your use, and invoices will be sent to you around six weeks before your intended launch date. (Sometimes invoices will be sent prior to frequency clearance to allow sufficient time for your payment to be received and processed before the date you wish to commence broadcasting.)

7.6 Licences will only be issued (i.e. sent to you) after the payment for all licence fees due has been cleared through our bank. Two invoices will be sent to you, and each needs to be settled separately. We ask for seven working days for cheque

clearance; if this is not possible, we must ask for a banker's draft or credit transfer, which must be received no later than 24 hours prior to the commencement of the broadcast. If payment is made by a credit transfer, licences will not be issued until after a letter of confirmation has been received by fax (fax number 020 7783 4589) from your bank confirming the transfer of funds. Credit card payments can only be accepted up to a maximum limit of £2,000. (Please see Ofcom's bank details in paragraphs 7.10 and 7.11 below)

- 7.7 Broadcasts must not commence until we have confirmed receipt of licence fees and that licences have been issued
- 7.8 Once the first year's fees have been paid, you will be asked to set up direct debits for both Broadcasting Act and Wireless Telegraphy Act licence fees. These will be collected annually around the anniversary date of the commencement of your service.

Application amendment fee

- 7.9 After an L-RSL application has been accepted by us, and sufficient work carried out; any requests to amend details of an application will incur a non-refundable fee of £200. This charge covers the cost of re-clearance of frequencies and associated administration. It includes, for instance, proposed changes to transmission site, callsign, licensee, etc. Proposed changes will still require our approval. Any changes requested by Ofcom will not incur a charge. Changes (e.g. transmission site, dates of broadcast) cannot be made to the Wireless Telegraphy Act Licence after it has been issued (i.e. sent to you) without incurring the cost of a new WT Act licence (see tariff table for fees).

Ofcom's bank details

- 7.10 Application fees, Broadcasting Act licence fees, amendment and postponement fees should all be made payable to Ofcom. For electronic payments, our bank details are as follows:

Lloyds TSB Bank Ltd, 69-73 Borough High Street, London SE1 1NQ.
 Account Number: 00782415
 Sort Code: 30-97-90

- 7.11 For Wireless Telegraphy Act licence fees, cheques should be made payable to Ofcom. However, for electronic payments, a different bank account is used for these fees. The details are as follows:

Lloyds TSB Bank Ltd, 69-73 Borough High Street, London SE1 1NQ
 Account Number: 00740372
 Sort Code: 30-97-90

Please ensure that your customer account reference number (which is given on your invoices) and/or your invoice number is/are stated when making your payment either electronically or by cheque.

Section 8: Long-term RSLs

Licensing conditions and procedures

Submission of applications

- 8.1 Applications must be submitted on the L-RSL application form, which can be downloaded from the Ofcom website at www.ofcom.org.uk/radio/ifi/rbl/rsls/. To request a hard copy, please email rsl.enquiries@ofcom.org.uk or call James Croft on 020 7783 4394, Mino Asir on 020 7783 4389, or Elaine Woolford on 020 7981 3886.
- 8.2 Please send the completed application form plus any additional relevant information as well as the non-refundable application fee (£200). Applications should be sent to: Restricted Service Licensing, 5th Floor, Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Emailed copies cannot be accepted as we need a signed copy of the application, and an accompanying application fee, for an application to be valid.
- An application must be submitted **AT LEAST EIGHT WEEKS** before the first date for which the licence is required, to allow sufficient time for the application to be checked and, if approved, an appropriate frequency to be identified and be submitted through the formal clearance procedures, and licences granted. Applications received after the eight-week deadline will not normally be accepted (or will need to adjust their commencement date accordingly).
 - On receipt of your application, an acknowledgement email will be sent. In the event that an application is either delayed in transit or fails to arrive eight weeks before the first date for which the licence is required, your application will not be accepted.

In addition to the completed application form we will also require:

- A map of the establishment site with the location of the transmitter, the studio and the site boundary all clearly marked;
- A letter from a senior employee of the host establishment giving permission for the transmission equipment to be installed on the site.

Details of your broadcast (dates, location, call-sign, frequency and public contact details) will be published on Ofcom's website after your application has been approved (that is we have agreed to grant the licence), and a frequency has been cleared.

- 8.3 Successful applicants will be granted two licences: a Broadcasting Act licence which, inter alia, authorises the provision of the licensed service and necessitates compliance with all relevant Codes; and a Wireless Telegraphy Act licence, which authorises the operation of a transmitter on a specified frequency. (A separate WT Act licence is required for each transmitter for this type of use.) Both Broadcasting Act and Wireless Telegraphy Act licences will be issued by Ofcom.

The role and identity of the licensee

- 8.4 A licensee must be appointed for each LRSL station, in whose name the licence documentation will be issued. Ofcom considers it important that a formal link is maintained at all times between the radio station and the establishment that it serves,

and for this reason, the licensee for an LRSL must be a permanent, senior member of staff of the establishment being served. (For example, in the case of a hospital this might be the chief executive or estates manager; in the case of a university, the registrar or students' union manager).

- 8.5 The licensee is legally responsible for ensuring that all of the duties and obligations contained in the licence are met, including compliance with content requirements and the payment of fees. It is not expected that the licensee will necessarily be someone who is directly involved in running the station, and we will deal on a day-to-day basis with anyone we are asked to deal with (usually the station manager, or equivalent). The licensee must sign the declaration in the application form (Q.18).

Change of licensee

- 8.6 In the event that a licensee is no longer willing, able or qualified (perhaps due to a change in employment status) to perform the role on behalf of the host establishment, a new licensee must be appointed. Ofcom will need to be satisfied that the person to whom it is proposed to transfer a licence would be in a position to comply with the licence conditions, is not disqualified from holding a Broadcasting Act licence, and is a 'fit and proper' person. The proposed new licensee will be required to sign a declaration to this effect. Ofcom must agree to the transfer, and operators should notify us as soon as possible in the event of a proposed change of licensee.

Eligibility to hold a licence

- 8.7 Restricted service licences cannot be issued to applicants who are 'disqualified persons' as defined in the Broadcasting Act 1990 and amended by the Communications Act 2003. 'Disqualified' categories include local authorities, the BBC, and the Welsh Authority. Local authorities are disqualified from holding a Broadcasting Act Licence, including Restricted Service Licences unless the broadcast service is provided exclusively for the purposes of carrying out functions set out in section 142 of the Local Government Act 1972. Under that section, local authorities are permitted to make arrangements for the broadcasting or distribution of information concerning the services of a local authority and assist voluntary organisations to provide information and advice in certain circumstances. Ofcom cannot therefore grant a Broadcasting Act Licence to a local authority unless the information to be broadcast falls within the functions set out above. Other disqualified categories include advertising agencies, and persons convicted for unlicensed broadcasting ('pirate') offences in the previous five years (see paragraph 3.16). If you wish to involve interests falling into any of these categories, you should contact us for further advice. Ofcom may require an applicant to provide any information we may need in determining whether an applicant is a disqualified person as described above. Please note that undischarged bankruptcy will make an applicant ineligible to hold a licence.
- 8.8 A political organisation (i.e. a body whose objects are wholly or mainly of a political nature) or any affiliated body cannot hold a licence. An officer of a political organisation is restricted from involvement in a radio licence (staff employed by these organisations are not disqualified). However, funding from a political body may be acceptable if Ofcom is satisfied that it would not be against the public interest.
- 8.9 A religious body can hold a licence provided that Ofcom is satisfied that it, or those broadcasting on its behalf, would be able to adhere to the Ofcom Broadcasting Code. If an application is submitted by a religious body we need to carry out a 'religious determination' to in accordance with Part 4 of Schedule 14 of the Communications

Act 2003. For further information, please see the guidance published on our website at: www.ofcom.org.uk/tv/ifi/tvlicensing/guidance_notes_and_apps/guide_rel_bod/

- 8.10 Any award of a licence may be revoked before its grant if there is any change to the applicant (such as a change in its control).

Fit and proper persons

- 8.11 Ofcom is required to satisfy itself that proposed licensees are 'fit and proper persons' before it may grant a licence. The application form includes questions and a declaration designed to enable Ofcom to achieve these objectives (see question 18 of the L-RSL application form). Applicants and licensees should be aware that if they withhold any information with the intention of causing Ofcom to be misled, they will be in breach of the Broadcasting Act 1996 (Section 144), if the information would be relevant in determining whether they are a disqualified person. In such circumstances, the licence may be revoked and the applicant could be subject to additional sanctions (see paragraph 9.6).
- 8.12 L-RSL applicants and licensees are required to certify their qualification to hold a licence by signing and dating question 18 of their L-RSL application form (unsigned applications will be returned). If during the licence period we become aware of any information to suggest that a licensee is no longer a 'fit and proper' person, the licensee will no longer be allowed to hold the licence.

Issuing of licences

- 8.13 Licences are usually posted to a licensee. However, licences can be sent by email. Please supply the email address of the licensee where requested on the application form and indicate that you are content to receive an electronic copy of your licences (see Q.1.3). Where a licence is sent by email a hard copy will not be sent.

Sources of funding

- 8.14 Under the terms of the Broadcasting Act 1990 as amended by the Communications Act 2003, funding from political bodies (i.e. a body whose objects are wholly or mainly of a political nature) or publicly-funded bodies may be acceptable, provided that by such funding, the funder is not, in Ofcom's opinion, exerting influence over the licensee's activities and that influence has led, is leading or is likely to lead to results adverse to the public interest (activities would include, for instance, the management of the station and/or the content of its programming but would extend to its other activities). We require information on any funding from, or on behalf of, a political organisation or a religious body (please see question 19 of the RSL application form).
- 8.15 You may sell airtime for advertising and carry sponsored programming, or station sponsorship, provided that you follow all requirements of the Ofcom Broadcasting Code (www.ofcom.org.uk/tv/ifi/codes/bcode/) and the Advertising Standard Authority's Radio Broadcast Advertising Code (www.asab.org.uk/asa/codes/). It is important that you are familiar with the provisions of these Codes.
- 8.16 In all dealings with potential advertisers, you should make it clear that you are operating under a restricted service licence, and that you are licensed to provide a service targeted only at listeners within the boundaries of a single establishment. Exaggerated claims of coverage area and potential audience should be avoided, and may be grounds for withdrawal of the licence.

Convicted 'pirate' broadcasters

- 8.17 Anyone convicted of an unlicensed broadcasting offence within the last five years is prohibited, under the Broadcasting Act 1990, from holding a licence. An applicant who is granted a licence is also required to ensure that such a convicted person is not involved in the operation of the service or station or in making its programmes.

Transferring from AM to FM broadcasting (existing licensees)

- 8.18 Ofcom will consider requests from existing LPAM licensees who wish to transfer to FM. A transfer will only be considered in areas which have had no SRSL activity over a significant period (normally three years or more). For guidance, 'area' refers to a radius of around 10-12 km from the location of the proposed LPFM in urban locations and 15-20 km in rural areas (this may vary depending on local topography). Our purpose is to ensure that the licensing of an LPFM will not inhibit our ability to license SRSLs in adjacent areas for which we continue to receive applications. If you wish to investigate the feasibility of transferring from AM to FM please contact the RSL team for further information, or alternatively complete and return the short form on our website <http://www.ofcom.org.uk/radio/ifi/rbl/rsls/rslapps/> regarding availability of FM in your area. Approved transfers will be subject to a licence amendment fee of £200.

Appeals procedure

- 8.19 Any challenge to a licensing decision should be addressed in the first instance to Ofcom's Manager, Community Radio and RSLs. If no resolution is forthcoming, the matter may be presented for adjudication to Ofcom's Head of Broadcast Licensing and its Director of Radio Content and Broadcast Licensing.

Section 9: Long-term RSLs

Content

Programme content of service

- 9.1 We require outline details of your proposed programme service in your application. This should include details of what speech material is proposed (including any programming of a political or religious nature), what kind(s) of music will be played, and the proportion of speech to music. A summary of station output will be included in the licence.
- 9.2 All broadcast output must comply with the Ofcom Broadcasting Code and the Advertising Standard Authority's Radio Broadcast Advertising Code. Ofcom's Broadcasting Code and the accompanying guidance can be found on our website at: www.ofcom.org.uk/tv/ifi/codes/bcode/. The Advertising Standard Authority's Radio Broadcast Advertising Code can be found at www.asab.org.uk/asa/codes/

Sustaining service

- 9.3 If you propose to broadcast a sustaining service or other non-locally produced material, we will need details of what is to be broadcast, the source, and timings. The use of a sustaining service (usually for overnight periods) should not normally exceed ten hours in any twenty-four hour period. The use of any programming from a source other than the applicant is subject to Ofcom approval, and will be referred to in the summary of the programme content which forms part of the licence.

Broadcasting of BBC programme material

- 9.4 An LRSL operator may carry some programme material from the BBC, provided it is only a minor part of the output. Ofcom is prevented, under the Broadcasting Acts 1990 and 1996, from issuing restricted service licences to the BBC. We believe it is important that we do not compromise the legislation, or confuse listeners; therefore, any programme material from the BBC should not normally be identified on-air, or in promotional material, as having been provided by the BBC, and should not form a substantial part of the output.

Recording of output

- 9.5 The licensee is required to ensure that a recording is made of all broadcast output, including advertisements and sustaining services. You must retain these recordings for a period of 42 days after broadcast, and make them readily available to us or to any other body authorised to deal with complaints about broadcast programmes and/or advertisements. Failure to provide a recording on request will be treated seriously, and may result in a sanction being imposed.

Sanctions

- 9.6 In investigating any complaint to Ofcom against your station or its programme output, there will be an opportunity for you to respond. Ofcom's powers to impose statutory sanctions come from the Communications Act 2003 and the Broadcasting Acts 1990 and 1996 (as amended). In the event of a complaint against you being upheld, the range of sanctions Ofcom may impose on its licensees include:

- Issue a direction to broadcast a correction or a statement of Ofcom’s findings which may be required to be in such form, and to be included programmes at such times as Ofcom may determine;
 - Impose a financial penalty;
 - Shorten a licence;
 - Suspend a licence; or
 - Revoke a licence.
- 9.7 In the event of a complaint against a licensee in respect of programme content being upheld by Ofcom, any costs we incur, including the translation of material broadcast in any language other than English, will be charged to the licensee.

Call-sign or station name

- 9.8 You must adopt an on-air name (a call-sign), which clearly identifies the name and frequency of the service. This should be broadcast at regular and frequent intervals. The call-sign should be specified at the time of application and will be included in the terms of your licence. If you subsequently wish to change your call-sign, you should seek permission from Ofcom before doing so, as licence documentation, and our records, will need to be amended. Call-signs will not be permitted if they are likely to cause offence or confusion to listeners, or if they are likely to mislead listeners as to the nature of the service. They are agreed on the understanding that you will have cleared all necessary rights and trademarking issues. Ofcom cannot, and will not, act as an arbitrator in the event of a dispute regarding the use of a particular name.

Copyright

- 9.9 The licensee is responsible for reaching agreement with those owning copyright or performing rights to any of the material which it is proposed to broadcast. If you intend to broadcast recorded music you must contact Phonographic Performance Ltd. (PPL) www.ppluk.com, 1 Upper James Street, London W1R 3HG (tel. 020 7534 1000); and the Performing Right Society (PRS) www.prsformusic.com, 29/33 Berners Street, London W1P 4AA (tel. 020 7580 5544). Live performance of music, or the playing of music originating outside the UK, will still be subject to copyright or performing rights licensing. The recording of music for any purpose, and the broadcast of production library discs, will require a licence from the Mechanical Copyright Protection Society (MCPS) which is at the same telephone number and address as PRS (www.prsformusic.com). We cannot advise on copyright or performing rights requirements, and you should contact the relevant bodies directly for such information.

Section 10: Long-term RSLs

Technical matters

Coverage area

10.1 LRSs are issued to serve an area within the boundaries of a single, contiguous site only. For both AM and FM licences, there is likely to be some overspill of the signal into areas beyond the licensed site during daylight hours. However, it is a condition of the licence that this overspill area is not acknowledged, either on-air or in off-air promotion and publicity.

Power levels

10.2 For each type of LRSL, Ofcom has the right to change both the frequency and/or power level, and accepts no liability for any expense incurred by any such change.

- For LPAM licences, a single frequency on the AM waveband will be allocated. A maximum effective monopole radiated power (emrp) will be specified, the usual maximum for these services is 1 watt.
- For LPAM licences: To alleviate signal problems with modern structures e.g some steel and concrete buildings, or in the case of a large site, Ofcom will consider allocating a higher power level, up to a maximum of 5 watts e.(m).r.p. This will be considered on a case-by-case basis. For services already licensed, such requests must be accompanied by full details of the site, the reason for a request for an increased power level, and a £200 amendment fee.
- For LPFM licences, a single frequency (usually 87.7 MHz) on the FM waveband will be allocated. The usual maximum radiated power is 50 mW erp, using a vertically polarised antenna. However, Ofcom may consider allocating a higher power level, up to a usual maximum of 500 mW erp if this is considered necessary to provide coverage to the boundary of the establishment. Requests will be considered on a case-by-case basis. (For services already licensed, a request for an increased power level must be accompanied by full details of the site, the reason for a request, and a £200 amendment fee. Such licensees may be asked to supply a coverage map and/or evidence to support a request for a higher power allocation. These must show the building/establishment boundary.)
- For induction loop (IL) licences, a single frequency on the AM waveband will be allocated. In general, the total output carrier power of the transmitter should not exceed 50 watts.

10.3 The limits on radiated power are necessary to limit the extent of the overspill beyond the boundary of the site, and to allow us the opportunity to license similar services on the same frequency for a similar purpose at a given distance away. Applicants for LRSs should be aware that these licences are secondary users of the radio spectrum. This means that interference may occur to the restricted service after it has become established, from sources which come on-air at a subsequent date. The restricted service shall have no right to protection from such interference. In the planning and approval of other services, Ofcom will endeavour to minimise significant increases in interference to LPFM and LPAM services within the area of the sites to

which they relate. For LPFM services, there may be some impairments to reception within the site area (see paragraph 10.5 below), although this is not expected to be a common situation.

- 10.4 The frequencies used for services on AM will tend to be subject to higher levels of interference from distant (usually continental) transmitters during darkness hours than are experienced by commercial local and national services. The effect of this will typically be to reduce significantly the coverage of the service, especially beyond the site boundary (i.e. in the overspill area), during the hours of darkness. LPAM services may also be subject to interference from other LPAM services.
- 10.5 For FM services possible sources of interference are:
- Private Mobile Radio (PMR): uses frequencies up to and including 87.475 MHz; base station powers up to 25 watts are typical.
 - BBC Radio 2: uses frequencies down to, and including, 88.1 MHz (different frequencies in different areas). The recommended protection ratio for a 400 kHz separation (i.e. 88.1 MHz to 87.7 MHz) is -20 dB. Applicants may be able to establish the situation for themselves, but it should be noted that a Radio 2 relay transmitter on 88.1 MHz may cause problems if it is close to an FM LRSL.
 - BBC Radio 1: where this service covers the FM LRSL site with a reasonably strong signal on a frequency of 98.4 MHz, this may cause interference to receivers tuned to 87.7 MHz.

Transmitter site

- 10.6 Your transmitter (i.e. your radiating antenna) must be located within the site you are seeking to serve. It is important that full and accurate information is given about your chosen site, including a six-figure National Grid Reference (NGR), an address and the postcode. Failure to provide this information may result in a delay in the processing of your application.

Antenna height restrictions

- 10.7 For LRSLs operating on AM, the highest point of the radiating antenna must not be more than 20 metres above ground level. For LRSLs on FM, the highest point of the radiating antenna must not be more than 10 metres above ground level.

Field strength

- 10.8 IL: The maximum permissible field strength at the boundaries of the licensee's premises shall not exceed 1 millivolt per metre (60 dB ($\mu\text{V}/\text{m}$)). The maximum permissible field strength at and beyond a locus of points 100m outside the boundaries of the licensee's premises shall not exceed 250 microvolts per metre (48 dB ($\mu\text{V}/\text{m}$)). The boundary is defined as the perimeter of the site on which the premises are located.
- 10.9 LPFM: The maximum field strength which the licensee is permitted to generate (at any height above ground) at or outwith the boundary of the establishment to which the licence relates, is 64 dB($\mu\text{V}/\text{m}$).

Frequencies

- 10.10 The frequency sub-band of 87.7-87.9 MHz (FM) has been reserved by Ofcom for use by short and long-term restricted services. FM frequencies from other parts of VHF Band II are not usually available for L-RSL use. The coverage obtained on a given frequency for a given power and aerial height varies according to the levels of interference present, and, generally speaking, restricted services are likely to experience higher levels of interference than commercial radio and BBC stations.
- 10.11 AM services are licensed on a frequency in the medium waveband. It is Ofcom's policy that the following frequencies will be available for LRSL use: 1134 kHz, 1251 kHz, 1278 kHz, 1287 kHz, 1350 kHz, 1386 kHz, 1431 kHz and 1449 kHz.

Frequency clearance

- 10.12 Each approved application will have a suitable frequency identified and cleared through a formal process involving outside bodies. Applications should be submitted as early as possible to enable prompt frequency clearance. If applications are received early enough, we aim to get official clearance confirmed up to two months in advance of the proposed on-air date. We cannot accept applications within eight weeks of the requested on-air date. Confirmation of frequency clearance will be provided via email and letter. At this stage your application is no longer treated as confidential and dates, call-sign and contact information will be placed on our website. We reserve the right to change an allocated frequency, if this proves to be necessary.

Encrypted services

- 10.13 We are unwilling to license a long-term restricted service with an encrypted radio signal. Given the limitations on the availability of analogue radio spectrum, Ofcom regards it as its duty to make all licensed services as widely available to potential listeners as possible, and the encryption of signals - which restricts their availability - runs contrary to this principle.

Studio site

- 10.14 The programme service for a long-term restricted service should normally originate from a studio within the site being served. However, if, with Ofcom's agreement your studio and transmitter are going to be at different locations you will need to connect them by a leased landline, ISDN, or radio link. If you want to use a radio link you will need to apply to JFMG Ltd. for a licence. Please contact JFMG for details. JFMG Ltd., 33-34 Alfred Place, London WC1E 7DP, telephone 020 7299 8660 (fax 020 7299 8661), www.jfmg.co.uk

RDS

- 10.15 If you intend to transmit RDS data (LPFM services only), you must indicate this on your application form to allow for us to allocate a PI code. All RDS data must be accurate, and in accordance with IEC62106. Dynamic alteration of the Programme Service Name is not permitted, nor is transmission of the Traffic Programme (TP) flag, unless dynamic control of the Traffic Announcement (TA) flag is available.

Engineering Code

- 10.16 Transmissions will be required to conform to Ofcom's Engineering Code (site engineering code for analogue radio broadcast transmission systems), which is available on the Ofcom website:
www.ofcom.org.uk/radio/ifi/rbl/engineering/eng_code/ For more information about coverage, applicants may also find it useful to read the Ofcom engineering document entitled 'Coverage: Planning Policy, Definitions and Assessment'. This can be found on the Ofcom website at: www.ofcom.org.uk/radio/ifi/rbl/car/coverage/pp_def/

Technical characteristics

- 10.17 Please note that equipment may be inspected and transmissions monitored, which may result in the modification of the WT Act licence parameters originally specified, to which the licensee must adhere. Any significant interference caused to other users of the radio spectrum, or any breach of licence conditions, may result in the immediate suspension of broadcasts.
- 10.18 As part of the application, we require information about the proposed transmission site (including the permission of the owner) and studio location, and an undertaking that transmission equipment, including aerials, complies with the technical conditions set out in this document and the Ofcom Engineering Code. We will also require details about your proposed transmission provider (also see paragraph 10.21 below). A predictive coverage map maybe requested.
- 10.19 Without prejudice to any of the technical conditions of the licence, nor to the absolute responsibility of the licensee to ensure that they are all respected, it is required at or before the time of bringing transmissions into service to furnish Ofcom with the following information in paper form, or by e-mail:
- i) a photograph of the complete radiating aerial installation 'in situ';
 - ii) a list of the following data/calculations: the height above ground level (in metres) of the radiating antenna at its highest point; a calculation of aerial system efficiency and effective electrical height;
 - iii) a sketch/block diagram of the feeder/aerial and matching system, showing the key characteristics of each element to support the calculation of (ii) above, and the source of that information, i.e. measurement or manufacturer's specification;
 - iv) the measured transmitter output power, as installed;
 - v) the measured aerial current at the base of the radiating aerial.

This information is required **within ten working** days of bringing the transmitter on-air (failure to supply them may result in a direction to cease transmission).

Technical competence

- 10.20 It is important that you have reliable technical assistance. Failure to do so can lead inadvertently to interference to other authorised spectrum users (such as the emergency services) and closure of the station until the problem is resolved. Licence conditions must be strictly adhered to. Any unauthorised action to increase the power level beyond the maximum permitted, or otherwise to alter the characteristics specified in the licence, will be treated very seriously, and may result in the

revocation of the licence and disqualification from the holding of licences in future, at the discretion of Ofcom. The licensee will be held responsible if any terms of the Wireless Telegraphy Act licence and the Broadcasting Act licence are not adhered to.

Interference

10.21 The station should be so designed, constructed, maintained and operated that its use does not cause any interference with any wireless telegraphy or other services. No protection for the LRS can be given from conducted or radiated interference from authorised radio services.

Interference with sensitive electronic equipment – disclaimer

10.22 There is a theoretical risk that the use of some transmission equipment may cause interference to sensitive electronic equipment, such as patient monitoring equipment in a hospital, or laboratory equipment in a university. This risk can be minimised by ensuring that transmission equipment is installed and maintained by competent engineers, and that the transmitter is located at a sensible distance from such equipment. However, we cannot determine the risk involved in all possible circumstances. Ofcom, therefore, will accept no responsibility or liability whatsoever for any interference that may be caused to electronic equipment by the equipment being used by the radio station. The issuing of a licence does not indicate that we guarantee or endorse the safety of a station's transmitter installation. This is a matter for consideration by the licensee, the host site and the engineer(s) installing the equipment. By signing the application form for the licence, the licensee indicates that he/she is content that this risk has been minimised.

Further information

Further information on any aspect of the licensing of **long term RSLs** may be obtained from:

Elaine Woolford
Broadcast Licensing and Radio Policy, 5th Floor
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3886

RSL.Enquiries@ofcom.org.uk

Specific information regarding technical matters relating to RSLs can be obtained from:

David Harrison
Broadcast Technical Policy Team, 3rd floor
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7783 4391

David.Matthew.Harrison@ofcom.org.uk

Section 11: ADS-RSLs

General rules for Audio Distribution Systems (ADS-RSLs)

- 11.1 Audio Distribution Systems (ADS-RSLs) are for the transmission of audio content for direct reception within a small defined area, typically a sports stadium or conference hall. A licence permits a radio service to be broadcast to closed user groups. Services might typically be for attendees at an event and include material such as a referee's comments, sports commentary, conference translations, or audio descriptions for the visually impaired; in situations where other means are not suitable. The broadcasting of advertising and sponsorship messages on these services is allowed. ADS-RSLs are not licensed for operation on the FM or AM wavebands, but within other parts of the spectrum, and typically operators will sell or loan tailor-made receivers to enable spectators or attendees to hear the service.
- 11.2 Ofcom will issue five-year radio restricted service licences under the Broadcasting Act legislation that will permit rather than oblige ADS services to be broadcast via Wireless Telegraphy. An ADS provider will need to secure access to spectrum (via a Wireless Telegraphy Act licence) in order to make use of this type of radio restricted service licence. Each operator will need to hold only a single Broadcasting Act licence, regardless of the number of ADS services he or she runs.
- 11.3 Ofcom's ADS-RSL application form asks for information on the events or purposes which are to be included in the licence, and it is incumbent on the licence-holder to inform Ofcom of any subsequent changes of use to which the licence will be put, so that we can vary the licence and update our records. A simple downloadable form to request these variations is available on our website and can be emailed to us (no charge will be made for varying a licence).
- 11.4 A Broadcasting Act licence will not relieve the licence holder of the requirement to hold a Wireless Telegraphy Act licence, nor does it confer any rights over particular spectrum. It is up to the operator to secure access to spectrum. JFMG is responsible for the issue of Wireless Telegraphy Act licences for ADS services on PMSE spectrum. Please contact JFMG for further information (www.jfmq.co.uk/ and see section 15 of these notes, regarding technical matters).

Section 12: ADS-RSLs

Cost of licences

12.1 You will need to pay an application fee when you submit an application for an ADS-RSL Broadcasting Act licence. You will also need to pay an annual licence fee. The first year's licence fee is payable on application. Therefore an application should be accompanied by a payment of £475 (£200 application fee plus one year's licence fee). VAT is not payable on either application or licence fees.

Application fee

12.2 Each application must be accompanied by an application fee of £200 (cheques should be made payable to Ofcom). This is normally non-refundable.

Licence fees

12.3 An annual licence fee of £275 is required for an ADS-RSL issued under the Broadcasting Act 1990. Licence fees are charged in accordance with a published tariff, reviewed periodically.

12.4 Licence fees are payable in advance each year. The first year's licence fee is payable on application. Once the first year's fees have been paid, you will be asked to set up a direct debit for the Broadcasting Act licence fee for each subsequent year for the five-year licence period. This will be collected annually around the anniversary date of the commencement of your service.

12.5 Licences will only be issued (i.e. sent to you) after the payment of the application fee and first year's licence fee has cleared through our bank. We need seven working days for cheque clearance; payment may also be made by a banker's draft or credit transfer. If payment is made by a credit transfer, licences will not be issued until after a letter of confirmation has been received by fax (fax number 020 7783 4589) from your bank confirming the transfer of funds. Credit card payments can be accepted (up to a maximum limit of £2,000). (Please see Ofcom's bank details in paragraph 12.6 below). Broadcasts must not commence until we have confirmed receipt of the licence fee and that licences have been issued.

Ofcom's bank details

12.6 The application fee and first year's Broadcasting Act licence fee should both be made payable to Ofcom: a single cheque for the total amount of £475 is fine. For electronic payments, our bank details are as follows:

Lloyds TSB Bank Ltd, 69-73 Borough High Street, London SE1 1NQ.
Account Number: 00782415
Sort Code: 30-97-90

If you know your Ofcom customer account reference number (which is given on Ofcom invoices) please state it when making your payment either electronically or by cheque.

Section 13: ADS-RSLs

Licensing conditions and procedures

Submission of applications

- 13.1 Applications must be submitted on the ADS-RSL application form, which can be downloaded from the Ofcom website at www.ofcom.org.uk/radio/ifi/rbl/rsls/rslapps/. To request a hard copy, please email rsi.enquiries@ofcom.org.uk or call James Croft on 020 7783 4394.
- 13.2 Please provide one completed copy plus any additional relevant information as well as the non-refundable application fee and first year's licence fee (£475 in total). Applications should be sent to: James Croft, Restricted Service Licensing, 5th Floor, Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA. Emailed copies cannot be accepted as we need a signed copy of the application, and an accompanying application fee, for an application to be valid.
- An application must be submitted **AT LEAST TWO WEEKS** before the first date for which the licence is required, to allow sufficient time for the application to be checked and, if approved, for licences to be prepared and granted. Applications received after the two-week deadline will need to adjust their commencement date accordingly.
 - On receipt of your application, an acknowledgement email will be sent. In the event that an application is either delayed in transit or fails to arrive at least two weeks before the first date for which the licence is required, your application may not be accepted (or your commencement date will need to be adjusted).

Brief details of your licence (dates, call-signs and public contact details) will be published on Ofcom's website after your application has been approved (that is, we have agreed to grant the licence).

- 13.3 Successful applicants will be granted a Broadcasting Act licence which allows the provision of the licensed service and necessitates compliance with all relevant Codes. This will be issued by Ofcom. Spectrum access for ADS-RSLs and related Wireless Telegraphy Act licences will normally be granted by JFMG, not Ofcom (see section 15 of these notes, regarding technical matters).

The role and identity of the licensee

- 13.4 A licensee must be appointed for each ADS-RSL station, in whose name the licence documentation will be issued. The licensee is legally responsible for ensuring that all of the duties and obligations contained in the licence are met, including compliance with content requirements and the payment of fees. The licensee must sign the declaration at section 3 of the application form.
- 13.5 An ADS-RSL is not transferable except with the prior consent in writing of Ofcom. Ofcom needs to be satisfied that the person to whom it is proposed to transfer a licence would be in a position to comply with the licence conditions, is not disqualified from holding a Broadcasting Act licence, and is a 'fit and proper' person. If Ofcom agrees to such a transfer the licence will need to be varied accordingly.

Eligibility to hold a licence

- 13.6 Restricted service licences cannot be issued to applicants who are ‘disqualified persons’ as defined in the Broadcasting Act 1990 and amended by the Communications Act 2003. ‘Disqualified’ categories include local authorities, the BBC, and the Welsh Authority. Local authorities are disqualified from holding a Broadcasting Act Licence, including Restricted Service Licences unless the broadcast service is provided exclusively for the purposes of carrying out functions set out in section 142 of the Local Government Act 1972. Under that section, local authorities are permitted to make arrangements for the broadcasting or distribution of information concerning the services of a local authority and assist voluntary organisations to provide information and advice in certain circumstances. Ofcom cannot therefore grant a Broadcasting Act Licence to a local authority unless the information to be broadcast falls within the functions set out above. Other disqualified categories include advertising agencies, and persons convicted for unlicensed broadcasting (‘pirate’) offences in the previous five years (see paragraph 3.16). If you wish to involve interests falling into any of these categories, you should contact us for further advice. Ofcom may require an applicant to provide any information we may need in determining whether an applicant is a disqualified person as described above. Please note that undischarged bankruptcy will make an applicant ineligible to hold a licence.
- 13.7 A political organisation (i.e. a body whose objects are wholly or mainly of a political nature) or any affiliated body cannot hold a licence. An officer of a political organisation is restricted from involvement in a radio licence (staff employed by these organisations are not disqualified). However, funding from a political body may be acceptable if Ofcom is satisfied that it would not be against the public interest.
- 13.8 A religious body can hold a licence provided that Ofcom is satisfied that it, or those broadcasting on its behalf, would be able to adhere to the Ofcom Broadcasting Code. If an application is submitted by a religious body we need to carry out a ‘religious determination’ to in accordance with Part 4 of Schedule 14 of the Communications Act 2003. For further information, please see the guidance published on our website at: www.ofcom.org.uk/tv/ifi/tvlicensing/guidance_notes_and_apps/guide_rel_bod/
- 13.9 Any award of a licence may be revoked before its grant if there is any change to the applicant (such as a change in its control).

Fit and proper persons

- 13.10 Ofcom is required to satisfy itself that proposed licensees are ‘fit and proper persons’ before it may grant a licence. The application form includes questions and a declaration designed to enable Ofcom to achieve these objectives (see section 2 of the ADS-RSL application form). Applicants and licensees should be aware that if they withhold any information with the intention of causing Ofcom to be misled, they will be in breach of the Broadcasting Act 1996 (Section 144), if the information would be relevant in determining whether they are a disqualified person. In such circumstances, the licence may be revoked and the applicant could be subject to additional sanctions (see paragraph 14.15).
- 13.11 ADS-RSL applicants and licensees are required to certify their qualification to hold a licence by signing and dating section 3 of their ADS-RSL application form (unsigned applications will be returned). If during the licence period we become aware of any

information to suggest that a licensee is no longer a 'fit and proper' person, the licensee will no longer be allowed to hold the licence.

Sources of funding

- 13.12 Under the terms of the Broadcasting Act 1990, as amended by the Communications Act 2003, funding from political bodies (i.e. a body whose objects are wholly or mainly of a political nature) or publicly-funded bodies may be acceptable, provided that by such funding, the funder is not, in Ofcom's opinion, exerting influence over the licensee's activities and that influence has led, is leading or is likely to lead, to results adverse to the public interest (activities would include, for instance, the management of the station and/or the content of its programming but would extend to its other activities). We require information on any funding from, or on behalf of, a political organisation or a religious body (please see section 2 of the ADS-RSL application form).
- 13.13 You may sell airtime for advertising and carry sponsored programming, or station sponsorship, provided that you follow all requirements of the Ofcom Broadcasting Code (www.ofcom.org.uk/tv/ifi/codes/bcode/) and the Advertising Standard Authority's Radio Broadcast Advertising Code (www.asab.org.uk/asa/codes/). It is important that you are familiar with the provisions of these Codes.

Appeals procedure

- 13.14 Any challenge to a licensing decision should be addressed in the first instance to Ofcom's Manager, Community Radio and RSLs. If no resolution is forthcoming, the matter may be presented for adjudication to Ofcom's Head of Radio and its Director of Radio Content and Broadcast Licensing.

Section 14: ADS-RSLs

Content

Programme content of service

- 14.1 We require very brief details of your proposed programme service in your application. This should set out a short general description of what the service will include, such as match commentary, referee's comments, translation services (and the languages to be used). If any programming of a political or religious nature is to be featured, details of this should be included. This summary of station output will be included in the licence.
- 14.2 All broadcast output must comply with the Ofcom Broadcasting Code and the Advertising Standard Authority's Radio Broadcast Advertising Code. Ofcom's Broadcasting Code and the accompanying guidance can be found on our website at: www.ofcom.org.uk/tv/ifi/codes/bcode/ The ASA's Radio Broadcast Code can be found at www.asab.org.uk/asa/codes/

Broadcasting of BBC programme material

- 14.3 An ADS-RSL operator may carry some programme material from the BBC, provided it is only a minor part of the output. Ofcom is prevented, under the Broadcasting Acts 1990 and 1996, from issuing restricted service licences to the BBC. We believe it is important that we do not compromise the legislation, or confuse listeners; therefore, any programme material from the BBC should not normally be identified on-air, or in promotional material, as having been provided by the BBC, and should not form a substantial part of the output.

Recording of output

- 14.4 The licensee is required to ensure that a recording is made of all broadcast output, including advertisements and sustaining services. You must retain these recordings for a period of 42 days after broadcast, and make them readily available to us or to any other body authorised to deal with complaints about broadcast programmes and/or advertisements. Failure to provide a recording on request will be treated seriously, and may result in a sanction being imposed.

Sanctions

- 14.5 In investigating any complaint to Ofcom against your station or its programme output, there will be an opportunity for you to respond. Ofcom's powers to impose statutory sanctions come from the Communications Act 2003 and the Broadcasting Acts 1990 and 1996 (as amended). In the event of a complaint against you being upheld, the range of sanctions Ofcom may impose on its licensees include:
- Issue a direction to broadcast a correction or a statement of Ofcom's findings which may be required to be in such form, and to be included programmes at such times as Ofcom may determine;
 - Impose a financial penalty;
 - Shorten a licence;

- Suspend a licence; or
 - Revoke a licence.
- 14.6 In the event of a complaint against a licensee in respect of programme content being upheld by Ofcom, any costs we incur, including the translation of material broadcast in any language other than English, will be charged to the licensee.

Call-sign or station name

- 14.7 You must adopt an on-air name (a call-sign), which clearly identifies the name of the service. This should be broadcast at regular intervals. The call-sign should be specified at the time of application and will be included in the terms of your licence. If you subsequently wish to change your call-sign, you should inform Ofcom before doing so, as licence documentation, and our records, will need to be amended. Call-signs will not be permitted if they are likely to cause offence or confusion to listeners, or if they are likely to mislead listeners as to the nature of the service. They are agreed on the understanding that you will have cleared all necessary rights and trademarking issues. Ofcom cannot, and will not, act as an arbitrator in the event of a dispute regarding the use of a particular name.

Copyright

- 14.8 The licensee is responsible for reaching agreement with those owning copyright or performing rights to any of the material which it is proposed to broadcast. If you intend to broadcast recorded music you must contact Phonographic Performance Ltd. (PPL) www.ppluk.com 1 Upper James Street, London W1R 3HG (tel. 020 7534 1000); and the Performing Right Society (PRS) www.prsformusic.com 29/33 Berners Street, London W1P 4AA (tel. 020 7580 5544). Live performance of music, or the playing of music originating outside the UK, will still be subject to copyright or performing rights licensing. The recording of music for any purpose, and the broadcast of production library discs, will require a licence from the Mechanical Copyright Protection Society (MCPS) which is at the same telephone number and address as PRS (www.prsformusic.com). We cannot advise on copyright or performing rights requirements, and you should contact the relevant bodies directly for such information.

Section 15: ADS-RSLs

Technical matters

- 15.1 It is expected that ADS-RSLs generally will use frequencies within spectrum currently used for programme making and special events (PMSE). JFMG Ltd currently manages the radio spectrum which is used for programme making, entertainment and related activities (including PMSE) on behalf of Ofcom, and issues Wireless Telegraphy Act (WT Act) licences accordingly.
- 15.2 The existing PMSE band to which this document refers is 60.75-62.75 MHz, and within this spectrum ADS-RSLs are licensed on a secondary basis to PMSE users. In particular, ADS-RSL use of this spectrum may be excluded from major events where PMSE requires unrestricted use of the band, and JFMG will maintain a public list of such events where ADS-RSLs will not be available. WT Act licences for up to one year, and or/site based WT Act licences, will be issued where circumstances permit.
- 15.3 For further information and a WT Act licence application form please contact JFMG (see contact details below), or see its website at:
www.jfmq.co.uk/jfmqecom/jfmq_content/pages/equipment/ads/pin85_1.aspx
- 15.4 Even if you are in receipt of a Wireless Telegraphy Act spectrum licence, you may not broadcast a service without an accompanying Broadcasting Act licence.

ADS-RSLs on other spectrum

- 15.5 In principle ADS-RSLs are available in spectrum other than 60.75-62.75 MHz should the operator in question have secured access to suitable spectrum. It should be noted that this policy does not amount to an allocation of additional spectrum for ADS-RSL use. Further, this may only come to fruition if an operator has been able to secure access to suitable spectrum usage rights, for example by purchasing those rights at auction or by the leasing or hiring of those rights from the relevant licensee and deciding to use them for this purpose.

Unused spectrum between 55 and 68 MHz

- 15.6 Ofcom will consider any request for use of the currently unused spectrum between 55 and 68 MHz on a case-by-case basis. It should be understood that there will be no guarantee regarding the length of time for which this spectrum will be available on this basis, and that Ofcom reserves the right to change the use of this spectrum with no more than one year's notice to any existing users. Requests from either PMSE or ADS-RSL providers for use of the currently unused spectrum between 55 and 68 MHz will need to be directed to JFMG; all requests for other types of spectrum use should come to Ofcom directly.

Further information

Specific information regarding technical matters and spectrum availability relating to ADS-RSLs can be obtained from:

JFMG Ltd
33-34 Alfred Place
London WC1E 7DP

Tel: 020 7299 8660; Fax:020 7299 8661 Out of hours: 07050 177335

E-mail: info@jfmfg.co.uk

Further information on any aspect of ADS-RSL Broadcasting Act licensing may be obtained from:

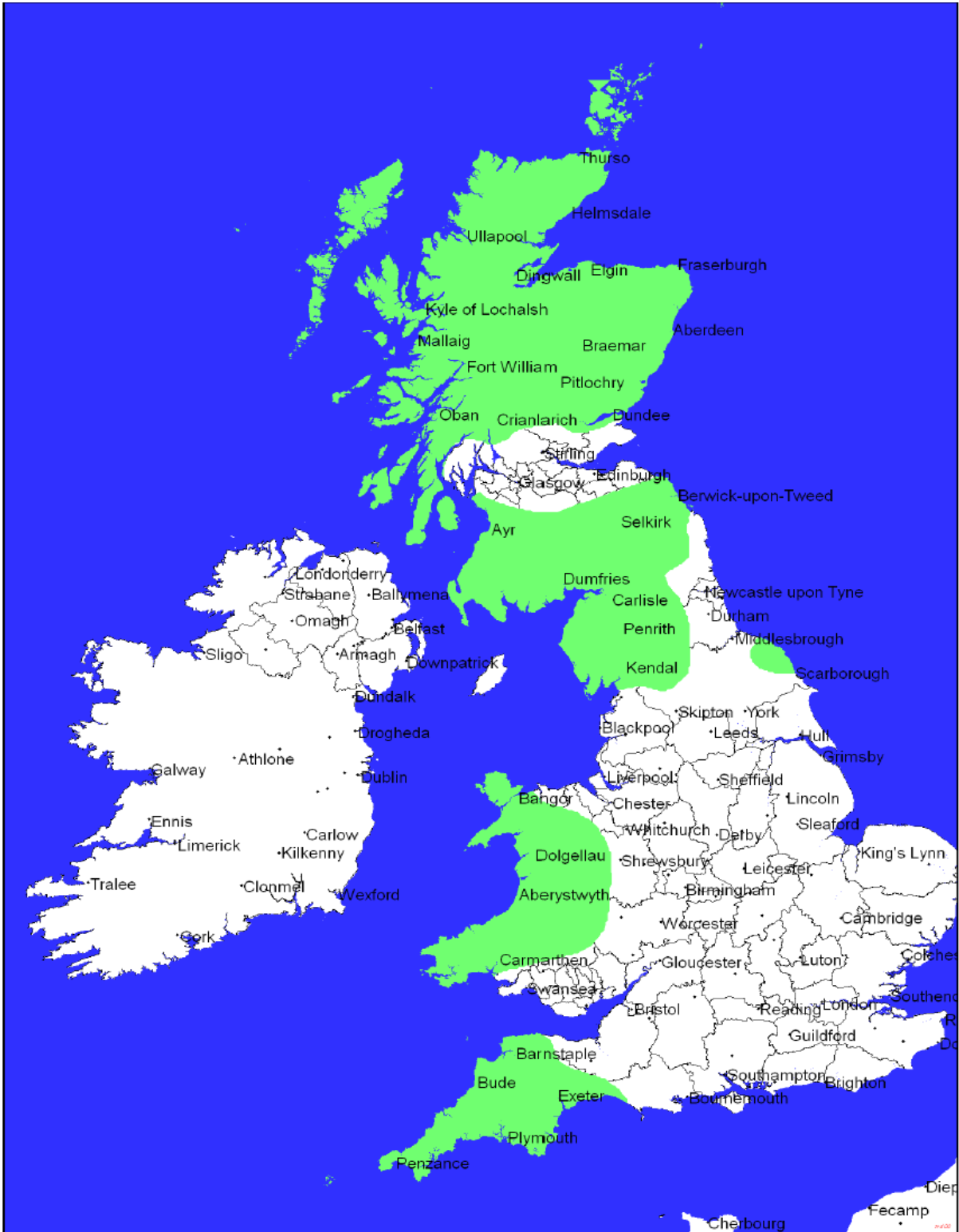
Elaine Woolford
Radio Team, 5th Floor
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3886
elaine.woolford@ofcom.org.uk or RSL.Enquiries@ofcom.org.uk

Annex 1

Long term RSL map

This map shows, in green, the parts of the UK where FM frequencies may be available for long-term RSLs. FM may be available in some other locations, see paragraph 6.5 above. Elsewhere frequencies on AM are available, with the exception of Greater London (within the M25) where neither FM nor AM frequencies are available for long-term RSL use on a freely-radiating basis.



Annex 2

Tariff tables

Daily charges for short-term RSLs

	B Act fee*	WT Act fee**	Total fees	B Act fee*	WT Act fee**	Total fees	B Act fee*	WT Act fee**	Total fees
	1 Watt AM			1 Watt FM			Above 1 Watt FM (Up to 25 watts)		
Daily Rate	£10.00	£15.00	£25.00	£10.00	£25.00	£35.00	£30.00	£40.00	£70.00
Days on air									
1	£10.00	£15.00	£25.00	£10.00	£25.00	£35.00	£30.00	£40.00	£70.00
2	£20.00	£30.00	£50.00	£20.00	£50.00	£70.00	£60.00	£80.00	£140.00
3	£30.00	£45.00	£75.00	£30.00	£75.00	£105.00	£90.00	£120.00	£210.00
4	£40.00	£60.00	£100.00	£40.00	£100.00	£140.00	£120.00	£160.00	£280.00
5	£50.00	£75.00	£125.00	£50.00	£125.00	£175.00	£150.00	£200.00	£350.00
6	£60.00	£90.00	£150.00	£60.00	£150.00	£210.00	£180.00	£240.00	£420.00
7	£70.00	£105.00	£175.00	£70.00	£175.00	£245.00	£210.00	£280.00	£490.00
8	£80.00	£120.00	£200.00	£80.00	£200.00	£280.00	£240.00	£320.00	£560.00
9	£90.00	£135.00	£225.00	£90.00	£225.00	£315.00	£270.00	£360.00	£630.00
10	£100.00	£150.00	£250.00	£100.00	£250.00	£350.00	£300.00	£400.00	£700.00
11	£110.00	£165.00	£275.00	£110.00	£275.00	£385.00	£330.00	£440.00	£770.00
12	£120.00	£180.00	£300.00	£120.00	£300.00	£420.00	£360.00	£480.00	£840.00
13	£130.00	£195.00	£325.00	£130.00	£325.00	£455.00	£390.00	£520.00	£910.00
14	£140.00	£210.00	£350.00	£140.00	£350.00	£490.00	£420.00	£560.00	£980.00
15	£150.00	£225.00	£375.00	£150.00	£375.00	£525.00	£450.00	£600.00	£1,050.00
16	£160.00	£240.00	£400.00	£160.00	£400.00	£560.00	£480.00	£640.00	£1,120.00
17	£170.00	£255.00	£425.00	£170.00	£425.00	£595.00	£510.00	£680.00	£1,190.00
18	£180.00	£270.00	£450.00	£180.00	£450.00	£630.00	£540.00	£720.00	£1,260.00
19	£190.00	£285.00	£475.00	£190.00	£475.00	£665.00	£570.00	£760.00	£1,330.00
20	£200.00	£300.00	£500.00	£200.00	£500.00	£700.00	£600.00	£800.00	£1,400.00
21	£210.00	£315.00	£525.00	£210.00	£525.00	£735.00	£630.00	£840.00	£1,470.00
22	£220.00	£330.00	£550.00	£220.00	£550.00	£770.00	£660.00	£880.00	£1,540.00
23	£230.00	£345.00	£575.00	£230.00	£575.00	£805.00	£690.00	£920.00	£1,610.00
24	£240.00	£360.00	£600.00	£240.00	£600.00	£840.00	£720.00	£960.00	£1,680.00
25	£250.00	£375.00	£625.00	£250.00	£625.00	£875.00	£750.00	£1,000.00	£1,750.00
26	£260.00	£390.00	£650.00	£260.00	£650.00	£910.00	£780.00	£1,040.00	£1,820.00
27	£270.00	£405.00	£675.00	£270.00	£675.00	£945.00	£810.00	£1,080.00	£1,890.00
28	£280.00	£420.00	£700.00	£280.00	£700.00	£980.00	£840.00	£1,120.00	£1,960.00

* B Act fee: Broadcasting Act licence fee

** WT Act fee: Wireless Telegraphy Act licence fee

Each application is subject to an application fee of £400

Any change to an application once it has been agreed may be subject to an amendment fee of £200 (see paragraph 2.5)

Extended duration short-term RSL tariff table:

	Duration	B Act fee*	WT Act fee**	Total
1W AM	29 – 140 days	£675	£420	£1095
1W AM	140 days +	£1250	£420	£1670
300mW to 25W FM	29 – 140 days	£1000	£700	£1700
300mW to 25W FM	140 days +	£1550	£700	£2250
Application fee				£400
Amendment fee				£200

Long-term RSL tariff table:

	Duration	B Act fee*	WT Act fee**	Total
LPAM	per year	£275	£100	£375
LPFM	per year	£140	£100	£240
Induction Loop	per year	£140	£100	£240
Application fee				£200
Amendment fee				£200

Audio Distribution Systems (ADS-RSL) tariff table:

	Application fee	B Act fee* per year	WT Act fee**
ADS-RSL	£200	£275	Contact JFMG

* B Act fee: Broadcasting Act licence fee

** WT Act fee: Wireless Telegraphy Act licence fee