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## **Restricted services**

Guidance notes for applicants and licensees

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**GUIDANCE:**

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# 1. Overview

- 1.1 These notes are intended to help restricted service (“RSL”) licence applicants understand the licensing process. The guidance notes should not be relied upon as legal advice or be understood as modifying the effect of the statutory requirements or the conditions of the licence.
- 1.2 Applicants should seek their own legal advice on the licensing process and requirements, and when making their own independent assessment of the information that should be included in their application.
- 1.3 In providing the information in these guidance notes, Ofcom is not making, or implying any judgements on the commercial prospects (or otherwise) of licensed services, or that they will be profitable.
- 1.4 Ofcom makes no representation or warranty, express or implied, with respect to information contained in these guidance notes (together with the standard form licence and other documents referred to in this document) 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.
- 1.5 These guidance notes may be updated from time to time. Applicants should check Ofcom’s website to make sure they are using the most recent version because applications made on a previous version of the application form will be rejected. Applicants should also be aware that certain key features, such as fees, procedures and content rules, may change in the future.

## 2. What is a restricted service?

- 2.1 Restricted services are radio services with small coverage areas that are broadcast for the purposes of events or within a particular establishment or location in the UK.
- 2.2 It is important that those interested applying to provide a restricted service are aware that they can only be issued for these purposes. They cannot be used for the purpose of providing an ongoing long-term local radio service to a permanent residential population or community.
- 2.3 Examples of restricted services include dedicated radio services for religious observances such as Ramadan; hospital radio services; university radio services; drive-in movie soundtracks and commentary for events such as air shows.
- 2.4 More information about [other types of broadcast radio licences](#), including application forms and guidance notes for applicants, is available on our website.

## 3. About restricted services

### Restricted services to cover events

- 3.1 Typically, licences issued for restricted services to cover events will be of short duration, usually held for no longer than a month. They will have a coverage area that reflects what is needed to cover the event itself. This may be as small as a building or arena, or as large as part of a town. They will usually be issued with an FM frequency in the range 87.7 - 87.9 MHz and will usually transmit at a power of above 2 watts.
- 3.2 Licences for restricted services to cover events are generally issued on demand on a first-come, first-served basis (except in periods of high demand, see Section 7), subject to the conditions for their issue being met (as set out in these notes for applicants) and a suitable frequency being available.
- 3.3 The duration of the licence should not significantly exceed the duration of the event that is being covered.
- 3.4 If the restricted service licence is for the purpose of covering a series of events at the same location (for example, commentary at motor racing events), the licensed service will be to serve an establishment or other defined location (for example, the motor racing circuit) provided they are operating within a clearly definable single location which usually has no permanent resident population (for example, a motor racing circuit). Please see 3.6 to 3.8 below.
- 3.5 There is usually no limit within a year on the number of RSL licences to cover events an individual or organisation may be granted. The exception to this is if a licence applicant has held two RSL licences to cover events within the previous 12 months, and we receive an application from a different licence applicant in the same area. We will then prioritise the application from the applicant who has not previously held RSL licences to cover events, as an exception to our usual first-come first-served approach.

### Restricted services to serve an establishment or other defined location

- 3.6 Typically, licences issued for restricted services to serve an establishment or other defined location will be of longer duration, usually held for a number of years. They'll have a small coverage area, usually no larger than a 1km radius, and will operate within a clearly definable single location which usually has no permanent resident population. We expect licences to be issued with a limited coverage frequency<sup>1</sup> (where available) and services will

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<sup>1</sup> These involve the use of very low transmission power levels that are 'interleaved' amongst the existing broadcast radio stations in the FM band.

usually transmit at a power of between 300 milliwatts and 1 watt with a maximum power of 2 watts.<sup>2</sup>

- 3.7 There is likely to be some overspill of the signal into areas beyond the establishment or defined location being served. This overspill area should not be acknowledged, either on-air or in off-air promotion and publicity. The service should not be directed at listeners living outside of the licensed location.
- 3.8 Licences issued for restricted services to serve an establishment or other defined location are generally issued on a first-come, first-served basis, subject to the conditions for their issue being met (as set out in these notes for applicants) and a suitable frequency being available.

### Availability of FM frequencies

- 3.9 We will consider licence applications for RSLs to serve an establishment or other defined location on AM and FM across the UK. Existing licensees broadcasting on AM can also request to switch to FM.
- 3.10 Applicants should be aware that there may be some areas in the UK where we are unable to find a suitable limited coverage FM frequency for use, typically in urban areas. This is because spectrum is a finite and limited resource, and in some areas of the UK there is not any spare spectrum available.
- 3.11 If we are unable to find a suitable limited coverage frequency, we will look to see if 87.7 – 87.9 MHz could be used. These are the frequencies that will usually be issued to RSLs to cover events. Until 2024, we expect to only use 87.7 – 87.9 MHz for RSLs to serve an establishment or other defined location if there has not been any RSLs for the purposes of an event in the area in past three years. Our purpose is to ensure that the licensing of an RSL to serve an establishment or other defined location will not inhibit our ability to license RSLs to cover events in adjacent areas when there is regular demand for them, evidenced through us receiving applications for them. This is in line with our duty to ensure there are a wide range of services available, catering to a range of tastes and interests.
- 3.12 From 1 January 2024, we expect to reduce this period so that we will only take account of RSLs provided for the purposes of an event in the 18 months prior to the application. During the Covid-19 pandemic, many regular events were cancelled and so we did not receive applications for them. By January 2024 we anticipate a sufficient period of time will have passed since Covid restrictions in the UK were lifted in order to identify regular demand for restricted services to cover events in an area.<sup>3</sup>

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<sup>2</sup> If a limited coverage frequency is not available and the service is accommodated in 87.7 - 87.9 MHz, the transmit power will usually be 50mW.

<sup>3</sup> If we're not satisfied that circumstances have allowed regular demand to be re-established, we will review again whether to maintain the three-year period.

- 3.13 'Area' for these purposes generally refers to a radius of 12km from the location of the proposed restricted service in urban locations, and 20km in rural locations, based on the Rural Urban Classification Official Statistic. This may vary depending on local topography.

## Licence duration

- 3.14 A licence issued for restricted services to serve an establishment or other defined location can be issued for any period, up to a maximum of five years. Applicants should state in their application how long they would like to hold a licence for.
- 3.15 A licensee may apply for a new licence as it reaches the end of its current licence term. A £200 application fee would be payable, in addition to the annual licence fees, if a licensee re-applies for a licence.

## Availability of licences

- 3.16 Generally, no more than one RSL will be licensed to serve an establishment or other defined location within any given area. However, we recognise 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 RSL operator may be keen to serve both. This is usually permissible, but requires the applicant to install a separate transmitter at each site (since we will only issue one RSL frequency per operator in any area) and usually the use of the same frequency at each site.
- 3.17 If the sites to be served are within 6km of each other, they may be served by the same Broadcasting Act licence, but separate Wireless Telegraphy Act licences will be required for each transmitter. At this distance, there is usually a need 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.
- 3.18 If the sites are more than 6km apart, then a separate Broadcasting Act licence must be sought for each site (with separate Wireless Telegraphy 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 at least one, and possibly all, of the sites concerned in order to prevent the services from interfering with one another.

## Penal establishments

- 3.19 Anyone wishing to serve a penal establishment must apply in the usual way, 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 Wireless Telegraphy Act licence. An application fee of £200 is payable.

## Restricted services in the Isle of Man

- 3.20 Those interested in providing a restricted service in the Isle of Man should be aware that Ofcom does not issue Broadcasting Act licences for RSLs broadcasting on the Isle of Man, but does issue Wireless Telegraphy Act licences to authorise the use of the spectrum.
- 3.21 To apply for a broadcasting licence, please visit [www.cura.im](http://www.cura.im) for more information.
- 3.22 To apply for a Wireless Telegraphy Act licence please fill out sections 2, 7 to 9 and 11 to 14 of the application form. When you send the form to Ofcom, please make clear that you are applying for a licence to broadcast in the Isle of Man.

## Restricted service licences in Northern Ireland

- 3.23 Those interested in providing restricted services in Northern Ireland should be aware that patterns of FM frequency use differ from those in Great Britain due to the greater need to coordinate FM spectrum use in Northern Ireland with the Republic of Ireland than that which applies in many other parts of the UK. For this reason, it is usually not possible for us to allocate 87.7 - 87.9 MHz for RSL use in Northern Ireland and opportunities to utilise limited coverage frequencies are unlikely to be as extensive as in other parts of the UK. On receiving a licence application for a restricted service in Northern Ireland, Ofcom will attempt to identify a suitable frequency from the pool of available spectrum, using either our standard planning approach or the limited coverage method where it is appropriate to the coverage sought by the applicant and the location where they are intending to serve.

## 4. Before you apply for a restricted service licence

### Determining who should hold the licence

- 4.1 The licensee is the person in whose name the licence documentation will be issued. Ofcom considers that a person will normally have general control of a service if that person exercises effective control over the selection of programmes that comprise the service and their organisation into a programme schedule. It is that person who will normally be treated as being the provider of the relevant service and who will need to hold a broadcasting licence authorising its provision.
- 4.2 The licensee is legally responsible for ensuring that all the duties and obligations contained in the licence are met, including compliance with content requirements and the payment of fees.
- 4.3 If the proposed licensee is different to the person or body running the establishment for which the service is intended (for example where the applicant for a hospital radio service is not the Trust running the hospital), you must submit evidence with your application that the application has the support of the relevant establishment.
- 4.4 If you are applying on behalf of a body corporate, for example, a company, you must be duly authorised to make the application. In the case of a company, this should be the company secretary or a director.
- 4.5 Once a licence is granted, it can be transferred to a new licensee subject to Ofcom's prior written consent. 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.

### Submitting a valid application

- 4.6 **Please read these guidance notes carefully before applying.** Section 8 sets out detailed instructions on how to complete the application form.
- 4.7 These guidance notes and the application form may be revised from time to time. Applicants should check the Ofcom website prior to submitting their application to ensure that they have read and completed the current version of these documents.
- 4.8 Applications may be submitted in Welsh. Any application submitted in Welsh will be treated no less favourably than an application submitted in English.
- 4.9 If you have a query, you can contact Ofcom by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)). We cannot provide legal advice or pre-approve applications but can answer general questions.

- 4.10 You must answer all questions in the application form and respond “N/A” to any questions that do not apply to the applicant. Please answer all questions as fully as possible, expand boxes or use extra sheets if required, and, if necessary, send copies of other documents to illustrate an answer. You must also provide the supporting documentation listed in the Checklist section of the application form.
- 4.11 We request that applicants complete the form electronically by downloading the current editable version of the application form [from our website](#). Ofcom will accept handwritten application forms but they must be filled in using block capitals and black ink. **Ofcom may reject applications made using a previous version of the form and any application forms that are illegible.**
- 4.12 You should send the completed application form and supporting documents to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk). You should receive an auto-response confirming that your email has been received. If you do not receive a response, it is likely your application has not been received and you should leave a voicemail for the Broadcast Licensing team on 020 7981 3002 who will look into this and contact you.
- 4.13 Please note that Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit please send your supporting documents in a separate email(s) clearly stating the applicant’s name in the subject line of the email along with “RSL.”
- 4.14 Whilst we prefer to receive applications by email, if you need to send the application by post you can send it to:
- Broadcast Licensing  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA
- 4.15 Applications which are not submitted within the following timeframes may be rejected:
- a) Applications submitted earlier than 120 clear days (i.e. four months) before the proposed broadcast start date.
  - b) Applications submitted later than 60 clear days (i.e. two months) between the date Ofcom receives the application and the proposed broadcast start date.
    - i) By “clear days” we mean that we will not count the date of receipt or the start date of broadcast and will only count the whole days in between those two dates. Where the deadline falls on a weekend or public holiday, we will deem it to have fallen on the first weekday that is not a public holiday immediately preceding it.
    - ii) UK public holidays will be taken to mean those defined by the UK Government. To take account of the fact that Scotland and Northern Ireland have more public holidays than England and Wales, we will count the public holidays applicable to the country of the UK in which the proposed broadcast will take place.

- 4.16 Any licence application for an RSL to cover an event during a period of high demand (see Section 7) which is received after the specified application window has closed will only be considered if it is for an area for which we have not already received an application, and subject to the availability of a suitable frequency. Applications received before an application window opens will be rejected.
- 4.17 Ofcom may also reject an application on specific grounds:
- a) Applications submitted using previous versions of the application form.
  - b) Failure to submit the required supporting documents in legible form.
  - c) Failure to pay the application fee, which should be paid on the same day as the application is sent to Ofcom. Payments should be made by bank transfer to:  
  
Account Name: Office of Communications  
  
Bank details: Lloyds, 69-73 Borough High Street, London SE1 1NQ  
  
Account number: 00782415  
  
Sort code: 30-97-90  
  
BIC: LOYDGB21351  
IBAN: GB05 LOYD 3097 9000 7824 15  
SWIFT: LOYD GB 2L
  - d) Applications where the declaration is not signed and dated.
  - e) Applications where the declaration is signed by someone not duly authorised to make the application. Those signing the application must be:
    - i) A director of the company or the company secretary where the applicant is company.
    - ii) A designated member where the applicant is a Limited Liability Partnership.
    - iii) A partner, where the applicant is a partnership.
    - iv) A member of the organisation's governing body where the applicant is an unincorporated body or association.
    - v) The individual who will be the licensee where the applicant is an individual.
  - f) For applications for an RSL to cover an event, applications where the proposed length of broadcast significantly exceeds the period over which the event is actually taking place.

## Timescales

- 4.18 Our aim is to give you an answer on your application within 25 working days (for RSLs to serve establishments and other defined locations) or no later than two weeks before the planned broadcast start date (for RSLs to cover events). However, this cannot be guaranteed. Applications are assessed on a first-come, first-served basis, and during peak

periods it may take longer for us to assess applications. The timeframe also assumes that full and accurate information has been provided by the applicant in the application form and accompanying documentation. Applications will not be assessed until all the requested information has been received.

- 4.19 Applications for which potential issues arise relating to ownership restrictions and eligibility requirements may take longer to assess. Applicants with religious objects are also advised to allow longer for the assessment and consideration of their application by Ofcom in the light of the [guidance for religious bodies applying for a Broadcasting Act licence](#).
- 4.20 Applications for proposed services in Northern Ireland take longer to assess because engineers in Ofcom's head office need to work with engineers in Ofcom's Belfast office to find suitable frequencies.
- 4.21 To be able to fully consider an application, we may need to request further information or clarification from the applicant.
- 4.22 In cases where Ofcom has instigated sanctions procedures against an existing Licensee which may lead to the revocation of any licence(s) it holds, it will not generally consider any applications for new licences by the same licensee or by a person/body connected to that licensee until such time as that aspect of the sanctions procedure is concluded. Similarly, Ofcom will not generally consider transfer applications either to or from a licensee while a sanctions procedure which may lead to licence revocation is ongoing.

## 5. Fees

### Payment methods

- 5.1 Different payment methods may take different periods of time to clear in Ofcom's bank account. It is the applicant's responsibility to check how long their chosen payment method will take to transfer and clear into Ofcom's account and ensure that this enables the payment to reach Ofcom by the specified deadline.

### Application fee

- 5.2 For licence applications for RSLs to cover events, a £400 non-refundable application fee is payable.
- 5.3 For licence applications for RSLs to serve an establishment or other defined location, a £200 non-refundable application fee is payable.
- 5.4 The application fee should be paid at the same time as the application is sent to Ofcom. We request that applicants pay the application fee by bank transfer.
- 5.5 To ensure that Ofcom can identify the payment, it must include a payment reference which is 'RSL' followed by the applicant's name (or as much of name as is possible to provide within the character limit set by the bank).
- 5.6 The bank details to be used to pay the application fee are:
- Account Name: Office of Communications
- Bank details: Lloyds, 69-73 Borough High Street, London SE1 1NQ
- Account number: 00782415
- Sort code: 30-97-90
- BIC: LOYDGB21351
- IBAN: GB05 LOYD 3097 9000 7824 15
- SWIFT: LOYD GB 2L
- 5.7 The application fee is generally 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) the application 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

- 5.8 For restricted services transmitting at up to and including 2 Watts, there is a daily rate charge of £30 for the Broadcasting Act licence fee and £40 for the Wireless Telegraphy Act licence fee, up to an annual limit of £210 for the BA fee and £240 for the WTA fee.

- 5.9 For restricted services transmitting at above 2 Watts, there is a daily rate charge of £30 for the Broadcasting Act licence fee and £40 for the Wireless Telegraphy Act licence fee, up to an annual limit of £900 for the Broadcasting Act licence fee and £1200 for the Wireless Telegraphy Act licence fee.
- 5.10 We expect that most restricted services serving establishments or other defined locations will be transmitting at up to 2 Watts, and most restricted services covering events will be transmitting at above 2 Watts.
- 5.11 The licence fees are set out in more detail in Annex 1. VAT is not payable on RSL fees.
- 5.12 Two licences are required to broadcast an RSL: a licence under the Broadcasting Act 1990 and a licence under the Wireless Telegraphy Act 2006. Both these licences are issued by Ofcom. Fees for each type of licence are collected separately into two different bank accounts, and you will therefore be sent two invoices.
- 5.13 Payment should be made through Ofcom's [online payment portal](#), which will automatically match the payment to the invoices.
- 5.14 We will not confirm your frequency or issue licences until all the required licence fees have been received.
- 5.15 Broadcasts must not start until Ofcom has issued the licences. Broadcasting without both licences is a criminal offence.
- 5.16 Licence fees are non-refundable once a licence has been issued and the broadcast start date has passed.
- 5.17 For RSL licences issued to cover events, if a licensee tells us after we have issued their licences (or in the period between Ofcom receiving the fees and issuing the licences) but **before** the broadcast start date that the event is not going ahead, we will refund the licence fees. The application fee is non-refundable in this scenario. If the event is cancelled after we have received an application but before we have issued the licences, we will not complete any more work on the application and so no licence fees will be charged. The application fee is non-refundable in this scenario.

## Amendment fees

- 5.18 If an applicant wishes to amend details of its application after it has been received by Ofcom, but before a licence has been granted, a £200 amendment fee is payable. The amendments should only relate to changes that do not require frequency re-planning, such as a change to the proposed licensee. The amendment fee should be paid by bank transfer at the time the amendment is requested to:

Account Name: Office of Communications

Bank details: Lloyds, 69-73 Borough High Street, London SE1 1NQ

Account number: 00782415

Sort code: 30-97-90

BIC: LOYDGB21351

IBAN: GB05 LOYD 3097 9000 7824 15

SWIFT: LOYD GB 2L

- 5.19 Applicants should not make any changes to their transmitter site details or broadcast dates once the application has been submitted. This is because Ofcom must then re-do our frequency planning for the proposed event or establishment or defined location, and overlapping areas.
- 5.20 If changes to the transmitter site or broadcast dates are requested, this will usually incur the cost of a new WTA licence.
- 5.21 We may not charge the cost of a new WTA licence in exceptional circumstances. Such circumstances may include when the broadcast dates cannot be confirmed at the time the licence application is made, such as applications for RSLs to cover the observance of Ramadan, when the broadcast start date will depend on the relevant moonsighting.
- 5.22 We will also only accept requests from existing applicants to postpone the planned broadcast to a start date which is within 120 days of the date of the request.
- 5.23 Most postponement requests require us to carry out further frequency planning (and so result in additional costs to Ofcom). Therefore we will only grant postponement requests in exceptional circumstances. By way of example, we granted postponements when events were cancelled because of Covid-19 restrictions. We would not expect to grant a postponement request for reasons such as lack of ticket sales.
- 5.24 Ofcom will also reject any change request we consider to be too close to the broadcast start date to be implemented.

## 6. How licence applications will be considered

- 6.1 Ofcom's general approach is to consider licence applications on a first-come, first-served basis. An application must be submitted with at least 60 clear days (which is approximately two months) between the date Ofcom receives the application and the proposed broadcast start date. This allows Ofcom sufficient time to process the application, identify a suitable frequency and collect the Broadcasting Act and Wireless Telegraphy Act licence fees. Applications received after this deadline may be rejected.
- 6.2 For applications submitted on a first-come, first-served basis, but rejected for any of the reasons in paragraph 4.17, the applicant may subsequently submit another application which, assuming it meets those criteria, and is received 60 clear days in advance of the proposed broadcast start date, will be accepted if another applicant has not applied in the meantime for a service for the same event or a different service but in the same location.

## 7. Applications in a period of high demand – RSLs to cover events

- 7.1 For RSLs to cover events, if we anticipate receiving a large number of applications for broadcasts in the same or similar geographical area during a particular period of time (for example, around the observance of Ramadan), we may not apply our usual first-come, first-served approach.
- 7.2 Instead, Ofcom may invite applications to be submitted within a specified window. We will then decide whether the licence should be awarded by means of a draw, taking into account the number of applications received and the availability of suitable frequencies. The dates of the application window will be announced in advance on our website. To ensure you are alerted to these announcements, you may wish to subscribe to [broadcasting email updates](#) on Ofcom's website.
- 7.3 We will not be able to confirm whether we have received other applications for the same period or event in the same area in response to individual queries from applicants, while that window remains open.
- 7.4 Any licence application for an RSL to cover an event during a period of high demand which is received after the specified window (see above) has closed will only be considered if it is for an area for which we have not already received an application, and subject to the availability of a suitable frequency. Applications received before an application window opens will be rejected. After the window for submitting applications has closed, we will publish a list of areas for which applications have been received [on our website](#).
- 7.5 Where Ofcom has not anticipated a large number of applications for broadcasts in the same or similar geographical areas, but receives two or more applications on the same day 120 days in advance of the requested broadcast dates, which both propose to broadcast to a similar area in a similar time period, we will hold a draw regardless of whether or not the services propose to cover the same event.<sup>4</sup> Ofcom will notify applicants if it intends to award a licence via a draw.
- 7.6 Once the application window has closed, we will check each application to ensure it meets the criteria set out in paragraph 4.17. Any applications which do not meet the criteria will be rejected and we will provide a summary of the reason for rejection to the applicant.
- 7.7 Application fees for applications made in a period of high demand are non-refundable.

### If there is one frequency available

- 7.8 Generally, only one frequency will be available to use in an area, usually in the range 87.7 – 87.9 MHz. All applicants in an area will be entered into a draw (regardless of the purpose

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<sup>4</sup> Unless there is an official event organiser that can inform Ofcom which application it supports. See paragraph 8.43.

of the event they wish to cover) and all would have an equal chance of securing this one frequency.

## If there is more than one frequency available

- 7.9 On occasions, there may be additional frequencies that can be used, outside of the range of frequencies that are reserved for RSLs.<sup>5</sup> We have discretion to use spectrum in the most optimal way and so, if we consider it appropriate to do so, we will sometimes issue frequencies outside of the 87.7-87.9 MHz range. We expect that in most areas, there will be either be no, or only one, additional frequency that can be used and achieve the coverage typically expected by applicants for RSLs covering an event. This is because most areas for which we receive applications during the period of high demand are urban areas, where there is less spectrum available.
- 7.10 If there is more than one frequency available, we may conduct more than one draw so as to ensure that we allocate all available frequencies. We will conduct draws according to the applications we receive and in a manner which we consider is best suited to the fulfilment of our duties.

## The draw or draws

- 7.11 For each draw, we will pull out each applicant in turn, formally noting the order in which they were drawn.
- 7.12 All draws will be filmed and the recording will be published on YouTube for a short period after the draw. We will email the link to the video to those applicants who were in the draw.
- 7.13 Shortly after the draws, we will publish on our website a list of the order in which each application was drawn.
- 7.14 After the draws we will fully assess the applications. If the first applicant to be drawn is not eligible to hold a licence or fails to respond to enquiries within a time frame we specify, we will reject the application and assess the application of the second applicant to be drawn, and so on. We will continue this process until we assess an application which we can grant. If none of the applications are eligible, no licence will be awarded.
- 7.15 We are likely to need to assess concurrently at least the first and the second applications drawn, to prepare for the risk that there may be issues regarding whether the first applicant meets our licensing requirements, and these may take some time to resolve. If we ask the second (or a later) applicant for clarifications, we will make it clear that they are not first in the assessment process and that if the first applicant that was drawn meets our requirements it will be that applicant who is awarded the licence.

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<sup>5</sup> These additional frequencies are distinct from limited coverage frequencies. Such additional frequencies are generally higher-power allocations, and as noted above, they can only be found in a relatively limited number of locations during periods of high-demand.

- 7.16 If we reject an application for failing to meet our licensing criteria, we will provide a summary of the reason for rejection to the applicant, but we will not refund the application fee.
- 7.17 Ofcom reserves the right to vary the rules for the draw process outlined above if it is justified by particular circumstances. However, any change to the draw process will be clearly set out by Ofcom in our communications about the draw.

## 8. Completing your application form

### Data protection

- 8.1 We require the information requested in the application form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's [General Privacy Statement](#) for further information about how Ofcom handles your personal information and your corresponding rights.

### Section 2: Applicant's details

- 8.2 In Section 2 of the application form, we are asking you for basic details about the applicant (whether an individual or body corporate) who is proposing to provide the service.
- 8.3 The requested details include company registration number (where applicable) and contact information.
- 8.4 We are asking for this information so that Ofcom knows precisely who to contact at the applicant company during the application process and if a licence is granted.
- 8.5 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 8.6 If you are successful in your RSL application, it will be a condition of your licence that the licence holder must notify Ofcom as soon as possible of any changes to the information provided in this section.
- 8.7 The applicant is asked for contact details for the following contacts:
- **Person authorised to make the application:** This is the person who is duly authorised by the applicant for the purposes of making the application. If the applicant is an individual their details will need to be provided. If the applicant is a corporate body, details of the company secretary or a director or (if an LLP) designated member must be provided. If a partnership, this should be a partner. If an unincorporated body or associated, this should be a member of the organisation's governing body.
  - **Licence contact:** This is the day-to-day contact for Ofcom on licensing matters. Examples of the type of communication between the licence contact and Ofcom could be questions about the ownership of the licensee; changes to the licence; and responses to information requests. The licence contact is also the emergency contact for Ofcom, who can provide access to the transmitter and shut it down if necessary in the event of interference or other problems arising during the broadcast.
  - **Compliance officer:** This is the person for Ofcom to contact on matters relating to compliance with the Broadcasting Code and other codes and rules. If we receive a complaint about the licensed service we will contact the compliance officer to request recordings of output. We will correspond with the compliance officer during any investigations into whether content was compliant with our codes and rules.

- **Billing/Finance contact:** Contact details for Ofcom regarding invoicing/payment of licence fees.
- **Public contact:** Contact details for publication on the Ofcom website and/or in other relevant Ofcom publications. When a licence is granted, the name of the service, contact details for the licensee, duration of the licence and a brief description of the licensed service are published on the Ofcom website. The name of the licence contact is not published.

## Sources of funding

- 8.8 Ofcom needs the applicant to provide details about its source of funding so that Ofcom can ensure that the applicant is not disqualified from holding a licence under Schedule 2 of the Broadcasting Act 1990, for example, where the funder is a political body or, in Ofcom's opinion, appears to be exerting influence over the applicant's activities in a way which may be adverse to the public interest. Such influence may include, for instance, the management of the station and/or the content of its programming, but might also extend to the applicant's other activities.
- 8.9 We require information on any funding from, or on behalf of, a political organisation or a religious body and ask this in the application form.

## Section 3: Details of directors, designated members, participants and shareholders (for companies and LLPs)

- 8.10 Section 3 of the application form applies to applicants which are bodies corporate (e.g. companies or LLPs). If you are applying as:
- a) A partnership which is not an LLP, skip to Section 4 of the application form.
  - b) An unincorporated body, skip to Section 5 of the application form.
  - c) An individual, skip to Section 6 of the application form.
- 8.11 Before completing Section 3 of the form, you should also read [Ofcom's guidance on the definition of 'control' of media companies](#).
- 8.12 In Section 3, we are asking for details of the directors or designated members, its shareholders and participants. Where applicable, we are also asking for details of the directors or designated members of the applicant's parent and associated companies etc.
- 8.13 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 8.14 The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.

## Section 4: Details of partners (for partnerships)

- 8.15 Section 4 of the application form applies to applicants which are partnerships (excluding LLPs). Please complete Section 4 of the form if the applicant is an LLP.
- 8.16 If you are applying as:
- a) an unincorporated body, skip to Section 5 of the application form.
  - b) an individual, skip to Section 6 of the application form.
- 8.17 In Section 4, we are asking for details of the partners.
- 8.18 If any partner is a company, the applicant will also need to complete questions 3.2, 3.3 and 3.4 in Section 3.
- 8.19 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 8.20 The response boxes and tables should be expanded or repeated where necessary, or provided in a separate annex.

## Section 5: Details of governing members (for unincorporated bodies other than partnerships)

- 8.21 Section 5 of the application form applies to applicants which are unincorporated bodies.
- 8.22 If you are applying as an individual, skip to Section 6 of the application form.
- 8.23 In Section 5, we are asking for details of the applicant's governing members.
- 8.24 If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.
- 8.25 The response boxes and tables should be expanded or repeated where necessary, or provided in a separate annex.

## Section 6: Eligibility requirements

- 8.26 Ofcom has a duty to ensure that anyone who applies for a broadcasting licence is fit and proper to hold one.<sup>6</sup>
- 8.27 When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at – for example – whether individuals who are likely to exercise control over the applicant and its activities (e.g. directors, substantial shareholders or members) have any criminal convictions (in any jurisdiction), or whether they have ever been declared bankrupt.
- 8.28 In determining whether a person is fit and proper, a number of issues will be considered which could include, but are not limited to:

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<sup>6</sup> Under section 3 of the Broadcasting Acts 1990 and 1996.

- Criminal convictions;
  - Bankruptcy and insolvency;
  - Disqualification of directors;
  - Removal from a professional or trade body; and
  - Previous broadcasting compliance history (e.g. licence applications, sanctions).
- 8.29 Some questions in this section ask for previous licence numbers. If these are not known, please provide the licence type.
- 8.30 Information provided in this section of the form will not necessarily result in the applicant being refused a licence – this will depend on all the circumstances of the applicant as a whole – but Ofcom may ask for further details.

### Disqualifications/ownership restrictions

- 8.31 It is important to be aware of the ownership restrictions under Part II of Schedule 2 of the Broadcasting Act 1990 that apply in respect of those who may hold Ofcom’s broadcasting licences. We do not go into detail on these disqualifications in the notes of guidance but ask relevant questions in the application form. We recommend potential applicants which are, or are linked to, these types of potentially disqualified person to seek independent advice prior to application. We would not be able to grant a licence to a disqualified person and would be required to take steps to revoke a licence if information emerged post-grant that a licensee was disqualified.
- 8.32 The following are among those who are disqualified from holding a RSL licence or from controlling a licensed company:<sup>7</sup>
- a local authority;<sup>8</sup>
  - a political body;
  - a religious body, other than where Ofcom is satisfied that it is appropriate for a particular person to hold a licence and makes a determination to that effect. If you wish to seek such a determination, please consult the Ofcom Guidance for religious bodies applying for a Broadcasting Act licence;
  - any company controlled by any of the above or by their officers or associates;
  - an advertising agency, or any company controlled by such an agency or in which it holds more than a 5 per cent interest.

In addition, anyone who has been convicted of a transmitting offence in the last five years, as set out in section 89 BA90.<sup>9</sup>

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<sup>7</sup> In accordance with the Broadcasting Act 1990 (as amended).

<sup>8</sup> Except where the service is provided exclusively for the purposes of carrying out the functions of a local authority under Section 142 of the Local Government Act 1972 (as amended) provision by local authorities of information relating to their activities.

<sup>9</sup> 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.

- 8.33 In accordance with the Broadcasting Act 1990 (as amended) Ofcom has the power to determine that in certain circumstances, a person with less than a 50 per cent share has deemed control of a company.
- 8.34 It is an offence for the applicant to supply false information or to withhold information with the intention of misleading Ofcom if the information is relevant to determining whether an applicant is a disqualified person. If a person is convicted in such cases, the court may make an order disqualifying the applicant from holding a licence for a specified period. A disqualification order applies to both the individual concerned and to any company of which they are a director or involved in the management of (whether directly or indirectly).
- 8.35 If the applicant or the form signatory fails without reasonable excuse at the date of signing the declaration the application form to declare any matter of which Ofcom subsequently becomes aware, and which we consider to be relevant to the applicant's eligibility to hold a licence, we will take that into account when determining the question of whether the applicant/licensee, remains fit and proper to hold a licence.

## Section 7: The proposed service

- 8.36 Section 7 asks you to confirm if you are applying for an RSL licence to cover an event or to serve an establishment or other defined location.
- 8.37 If you are unsure of your answer, please use the box provided to give a detailed description of what you would like your proposed service to cover, and the Broadcast Licensing team will get in touch with you about your proposal.

## Section 8: The proposed service – to cover an event

- 8.38 Section 8 of the application form asks you to describe your programme service and its target audience if you are applying for an RSL licence to cover an event.
- 8.39 You may apply for multiple RSL licences to cover separate events at the same time. The events should be within a three-month period from the date of the first event. Separate licences will be issued for each event, if granted.
- 8.40 If a licence is granted the information you provide in this section will be used to form the basis of an annex to your licence. You will only be authorised to broadcast what is detailed in the annex of the licence. It is therefore important that you provide complete and detailed responses to the questions in this section.
- 8.41 If you are granted a licence and decide subsequently to change your content, you must contact Ofcom in advance so that the change is specifically reflected in the annex to your licence. Such requests must be made in writing via email to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk) prior to any change.

## Purpose of the proposed service

- 8.42 The duration of any RSL broadcast should not significantly exceed the duration of the event that is being covered. We are likely to reject applications if the proposed length of broadcast exceeds the period over which the event is actually taking place.
- 8.43 We will not normally grant more than one licence for coverage of an event in the same area (or significantly overlapping with one another). If two or more applications are received to cover the same event (such as an air show, a dog agility event, a carnival) in the same area with the same or overlapping dates, we will request that the applicant forward a letter of support from the event organiser to clarify which application should be taken forward. If neither application is, or both applications are, supported by the official event organiser, and they are received on the same day, we will hold a draw.

## Name of the proposed service

- 8.44 The applicant chooses the name for their proposed service. It is the responsibility of the applicant to ensure the name can be used.
- 8.45 It is the responsibility of the applicant to enter into agreements with the appropriate copyright licensing bodies before commencing broadcasting. The granting of a licence does not constitute a right to use a particular name.
- 8.46 Ofcom considers the proposed name of a service in an application to the extent that it may be relevant to the licensing criteria. This could concern, for example, matters relating to the Ofcom Broadcasting Code, such as the use of explicit language that listeners may find offensive. The name of the service will be included in the terms of your licence, and therefore we need to be notified of any proposed change prior to the issue of your licence.
- 8.47 The name of the service, along with the frequency, should be broadcast at regular intervals.

## Section 9: The proposed service – to serve an establishment or other defined location

- 8.48 Section 9 of the application form asks you to describe your programme service and its target audience if you are applying for an RSL licence to serve an establishment or other defined location.
- 8.49 If a licence is granted the information you provide in this section will be used to form the basis of an annex to your licence. You will only be authorised to broadcast what is detailed in the annex of the licence. It is therefore important that you provide complete and detailed responses to the questions in this section.
- 8.50 If you are granted a licence and decide subsequently to change your content, you must contact Ofcom in advance so that the change is specifically reflected in the annex to your licence. Such requests must be made in writing via email to [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk) prior to any change.

- 8.51 If the proposed licensee is different to the person or body running the establishment for which the service is intended (for example where the applicant for a hospital radio service is not the Trust running the hospital), you must provide evidence that the application has the support of the relevant establishment with your application.

## **Name of the proposed service**

- 8.52 The applicant chooses the name for their proposed service. It is the responsibility of the applicant to ensure the name can be used.
- 8.53 It is the responsibility of the applicant to enter into agreements with the appropriate copyright licensing bodies before commencing broadcasting. The granting of a licence does not constitute a right to use a particular name.
- 8.54 Ofcom considers the proposed name of a service in an application to the extent that it may be relevant to the licensing criteria. This could concern, for example, matters relating to the Ofcom Broadcasting Code, such as the use of explicit language that listeners may find offensive. The name of the service will be included in the terms of your licence, and therefore we need to be notified of any proposed change prior to the issue of your licence.
- 8.55 The name of the service, along with the frequency, should be broadcast at regular intervals.

## **Section 10: Compliance**

- 8.56 Section 10 of the application form asks you to describe the compliance arrangements for the proposed licensed service i.e. the arrangements which the applicant will put in place to ensure the content it proposes to broadcast will comply with the relevant regulatory codes and rules for programming and advertising. These include:
- [The Ofcom Broadcasting Code](#)
  - [The UK Code of Broadcast Advertising \(BCAP Code\)](#)
  - [The Phone-paid Services Authority Code of Practice](#)
  - [Code on the Prevention of Undue Discrimination between Broadcast Advertisers](#)
- 8.57 The applicant must have a Compliance Officer.
- 8.58 Condition 15(2) of an RSL Broadcasting Act licence requires that you have compliance procedures in place, and this section asks that you demonstrate the ability to meet this licence condition.
- 8.59 The applicant must be able to adopt procedures that are acceptable to Ofcom for ensuring that the proposed licensed service will comply with the requirements of the licence, including complying with any direction issued by Ofcom. Such procedures may include:
- ensuring that there are sufficient staff, and that staff are of sufficient seniority. All staff should fully understand the licence requirements (including compliance with relevant codes and rules) and the programme and advertising standards that apply to the service; and

- making arrangements for the adequate clearance of advertising.
- 8.60 It is the responsibility of the licensee to ensure that all material broadcast on the service, both live and pre-recorded (and including material sourced from third parties) is compliant with Ofcom's codes and rules.
- 8.61 Before you apply for a licence, it is important that you read our [compliance checklist for radio broadcast content](#). The checklist is intended to help applicants and new licensees understand the obligations and rules with which they must comply as a condition of their Ofcom licence to broadcast. Prospective licensees must be aware of the potential scope of their regulatory responsibilities so that robust compliance procedures can be planned and financed at an early stage.
- 8.62 Applicants should be aware that licensees must supply details of their compliance procedures to Ofcom, if we request them.
- 8.63 **Ofcom can impose sanctions on a licensee for serious, deliberate, repeated and/or reckless breaches of the licence conditions (for example, if broadcast content does not comply with the codes and rules). The sanctions available to Ofcom include the imposition of a financial penalty on the licensee, and/or revocation of the licence.**

## Advertising and sponsorship

- 8.64 You may sell airtime, as commercial communications – i.e. advertisements (in commercial breaks) and commercial references (in editorial) – provided you follow all requirements of the [Ofcom Broadcasting Code](#) and the [UK Code of Broadcast Advertising](#) (i.e. the BCAP Code, enforced by the Advertising Standards Authority). It is important that you are familiar with the provisions of these Codes. Please see our [compliance checklist](#) for further information.

## Copyright

- 8.65 The licensee is responsible for reaching agreement with those owning copyright or performing rights to any of the material which it proposes to broadcast.
- 8.66 If you intend to broadcast recorded or live music, you must contact Phonographic Performance Ltd (PPL) and PRS for Music. We cannot advise on copyright or performing rights requirements and you should contact the relevant bodies directly for such information.

## Promotional material

- 8.67 The fact that the service is being broadcast on a restricted service licence and its duration must be made clear both on-air, and in written promotional material. It should not be implied that a restricted service is any other type of licensed service.

## Retention and production of recordings

- 8.68 If you are granted a licence, you must retain, or arrange for the retention of, recordings of everything broadcast on the licensed service for a period of 42 days. If Ofcom receives a complaint regarding the broadcast, we will request a copy of the recordings in order to assess the complaint. Recordings must be of a standard and in a format which allows Ofcom to listen to the material as broadcast. The licensee must also provide Ofcom with scripts or transcripts of any material included in the service when requested to do so.

## Section 11: Technical matters

- 8.69 Section 11 of the application form asks you to describe the technical arrangements for the proposed service. This section includes questions on the transmission site, frequency bands and Radio Data System (RDS).
- 8.70 RSL transmissions are required to comply with Ofcom's [Engineering Code](#).

### Studio site

- 8.71 The programme service for a restricted service should normally originate from a studio within, or close to, the transmission coverage area. Please provide us with a studio telephone number, when available.
- 8.72 If, with Ofcom's agreement, your studio and transmitter are going to be at different locations, you will need to connect them by a telecommunications link (e.g. IP or fibre circuit) or radio link. If you want to use a radio link which operates in a non-licence exempt frequency band,<sup>10</sup> you will need to apply to Ofcom's Programme Making and Special Events team for a licence. Further information is available on [Ofcom's website](#).

### Coverage area

- 8.73 RSL licensees should not expect every part of their desired coverage area to receive a perfect signal. There may be some parts of the coverage area that will have poor reception, or no reception at all. This will arise particularly where terrain and building density obstruct signals to a greater extent than is typical, and all the more so when the frequency is subject to other incoming signals on the same and adjacent frequencies.<sup>11</sup>
- 8.74 If your service is broadcast on AM (medium wave), the agreed coverage area is for broadcasts during daylight hours. Although the same power level will apply after dark, AM reception may be reduced during this time – sometimes substantially – by incoming interference. Please bear this in mind when planning an RSL service to broadcast on AM.
- 8.75 RSLs to serve establishments or other defined locations are issued to serve an area within the boundaries of a clearly definable single site. For both AM and FM licences, there is

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<sup>10</sup> Information on [licence-exempt spectrum use](#) is available on Ofcom's website.

<sup>11</sup> For more information about coverage, you may find it useful to read our document entitled [Coverage: Planning Policy, Definitions and Assessment](#).

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.

## Transmitter site

- 8.76 Your transmitter site must be appropriate for the location you wish to cover. We reserve the right to reject high elevation 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.
- 8.77 Your transmitting 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.

## Coverage area and power levels

### Restricted service licences issued to serve an establishment or other defined location

- 8.78 RSL licences for an establishment or other defined location can only be issued for coverage within that establishment or location. Typically, the maximum coverage radius for an such RSLs will be 1km, with a maximum power of 2 watts ERP on FM (and typically 300 milliwatts<sup>12</sup> to 1 watt), or a maximum of 1 watt EMRP on AM.

### Restricted service licences issued for the purpose of an event

- 8.79 RSL licences for an event can be 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. Ofcom will carefully assess proposed coverage areas and transmitter sites, particularly for the higher power levels on FM. Please note the following:
- 8.80 The maximum power for which we can license event RSLs is 25 watts effective radiated power (ERP) on FM. This is typically used for rural locations, with a usual 10 watts maximum in urban areas.
- 8.81 Typically, event RSLs will usually operate at more than 2 watts ERP. However, lower power levels may be licensed where only very localised coverage is required (e.g. for a drive-in cinema, or to cover a campsite).
- 8.82 1 watt effective monopole radiated power (EMRP) is the maximum available on AM.
- 8.83 You need to provide a map showing the intended geographical coverage area of the proposed service with your application. The map should indicate the location of the

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<sup>12</sup> The typical power for establishment RSLs in 87.7 – 87.9 MHz is 50mW.

transmitter site; the location of the event or establishment (if different from the transmission site); and the area over which acceptable reception is desired. You should also submit a photograph of the building or structure upon which the antenna will be mounted.

## Frequencies

- 8.84 The coverage obtained on a given frequency for a given power and aerial height varies according to the levels of interference present. 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. Such interference is particularly likely to occur when a restricted service is using limited coverage spectrum. Applicants cannot assume that levels of interference will remain at levels they may have experienced in the past, as spectrum is increasingly congested.
- 8.85 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.
- 8.86 You may request a preferred frequency in 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.<sup>13</sup> There can also be no guarantee that an available frequency will be found on your preferred waveband, given that suitable frequencies in urban areas are scarce.
- 8.87 Each approved application will have a suitable frequency identified and cleared. The frequency clearance process allows Ofcom to carry out the necessary checks to ensure that the proposed frequency is suitable. Applications should be submitted as early as possible within the limits set by Ofcom to enable prompt frequency clearance. Early application is particularly important in areas where there is high demand and few suitable FM frequencies (e.g. urban areas such as Greater London). In such areas we may have to turn down applications due to the lack of suitable FM frequencies.
- 8.88 If an application is received early enough, and accompanied with the required fees, we aim to get official clearance confirmed up to two months in advance of the proposed on-air date.
- 8.89 Confirmation of frequency clearance and allocated frequency will be provided when your fees have been received and your licence has been issued. At this stage, details of your frequency will be placed on our website alongside other information relating to your broadcast. Ofcom reserves the right to change an allocated frequency, if necessary.

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<sup>13</sup> Ofcom is seeking to keep the frequency range 87.7 – 87.9 MHz available for event RSLs to use. RSLs serving an establishment or other defined location that have been operating in that range may need to move to alternative limited coverage frequencies (if available) when their current licences expire.

## Technical characteristics

- 8.90 The technical conditions governing the installation and operation of 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. Please note that your equipment may be inspected, and your transmissions monitored by Ofcom's Technical Investigation Officers. 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.
- 8.91 Applicants should ensure that the transmitter equipment that they intend using to provide the service is compliant with the applicable essential requirements set out in the Radio Equipment Regulations 2017 and for Northern Ireland, in the Directive 2014/53/EU (The Radio Equipment Directive). Compliance with these requires equipment to be either
- a) UKCA marked if put in to use in Great Britain<sup>14</sup>
  - b) CE marked if put in to use in Northern Ireland.

## Radio Data System (RDS)

- 8.92 The Radio Data System (RDS) enables data to be transmitted to radio receivers via a radio signal. RDS is used for a variety of functions, such as scanning for traffic information or displaying text (in the form of a programme service name) on a radio's display screen.
- 8.93 If you wish to change your programme service name, you must obtain consent in advance from Ofcom. Scrolling RDS programme service names are not permitted.
- 8.94 If your service will feature regular traffic bulletins, you may wish to use RDS to alert drivers that a traffic announcement is about to be broadcast. This is done through the use of traffic programme (TP) flags, which informs car radios that your station broadcasts traffic bulletins. TP flags must be used in conjunction with traffic announcement (TA) flags, which cause an increase in the volume to a predefined level and a relevant message to be displayed on screen. Transmission of the TP flag is not permitted unless dynamic control of the TA flag is available.
- 8.95 If you intend to transmit radio data through a RDS, you must indicate this on your application form to allow for us to allocate a programme identification (PI) code. A PI code is required by all licensees intending to transmit RDS information.
- 8.96 All RDS data must be accurate, and in accordance with IEC62106, the international standard for RDS.

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<sup>14</sup> Devices that are CE marked can be put in to use in Great Britain up until 1 January 2023.

## Antenna height restrictions

- 8.97 The maximum antenna height for FM or AM transmissions is 20 metres above ground level. We may need to impose power and/or antenna height restrictions in certain areas, such as coastal regions, where an applicant wishes to broadcast on FM, in order to avoid the need for international clearance, or to limit outgoing interference. 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).
- 8.98 For FM in-stadium services, the radiating aerial should be mounted within the stadium arena, and no higher than the tallest of the principal structures (excluding pylons).

## Antenna polarisation

- 8.99 Licensees are permitted to use antennas that transmit signals either in the vertical plane only (vertical polarisation) or a combination of vertical and horizontal planes (mixed polarisation). You will be permitted to transmit at the power authorised by your licence in each plane. For example, if you choose mixed polarisation, an RSL licence authorising a transmitter power of 1W would permit 1W in the vertical plane plus 1W in the horizontal plane
- 8.100 You will need to decide which polarisation suits your situation and indicate in the application form which you are proposing to use. Using vertical polarisation only is easier and less expensive than mixed polarisation, although mixed polarisation can lead to better reception.

## Test transmissions

- 8.101 Any time required for test transmissions should be included within the dates for which the licence is requested. 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 name of the service.

## Encrypted services

- 8.102 Services with encrypted radio signals are not permitted. 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.

## Interference problems

- 8.103 It is important that you have reliable technical assistance available. Failure to do so can inadvertently lead to interference to other authorised spectrum users (such as the emergency services) and Ofcom taking action to close the station until the problem is resolved. Licence conditions must be strictly adhered to. The station should additionally be

designed, constructed, maintained and operated so that its use does not cause any interference with any wireless telegraphy or other services.

- 8.104 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 by Ofcom, and may result in Ofcom revoking the licence and disqualifying the licensee from holding future licences. The licensee will be held responsible if any terms of the Wireless Telegraphy Act licence or the Broadcasting Act licence are not adhered to.
- 8.105 Once the frequency has been confirmed, licensees may wish to check the assigned frequency at their designated service area in advance of their service launching.
- 8.106 If, within your designated service area, you should suffer from interference on your allocated frequency during your broadcast or discover another service on your frequency, please call 020 7981 3131 (selecting option 2 for interference) or visit the [interference complaints](#) section of our website.
- 8.107 Please be aware that Ofcom cannot give compensation for disruption to your service by the actions of an illegal operator.

## Interference with sensitive electronic equipment

- 8.108 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. We may decide to limit the licensed power if we consider there may be a risk of interference, and the risk can be further 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.
- 8.109 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 applicant, the host site and the engineer(s) installing the equipment. By signing the application form for the licence, the applicant indicates that they are content that this risk has been minimised.

## Further information

- 8.110 For further information relating to RSL technical matters, please contact the Broadcast Radio Engineering team at [BroadcastRadioEng@ofcom.org.uk](mailto:BroadcastRadioEng@ofcom.org.uk).

## 9. After you have been granted a restricted service licence

- 9.1 You must read your Broadcasting Act and Wireless Telegraphy Act licences carefully.
- 9.2 Below is some information you may find useful throughout the duration of your licence.

### Changes to contact details

- 9.3 If there are any changes to the broadcaster's contact details once the licence is granted, the licensee must inform Ofcom immediately by contacting the Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)).

### Retention and production of recordings

- 9.4 The licensee must retain, or arrange for the retention of, recordings of everything broadcast on the licensed service for a period of 42 days. If Ofcom requests a copy of any broadcast material, the licensee must provide this by the deadline given. Recordings must be of a standard and in a format which allows Ofcom to listen to the material as broadcast. The licensee must also provide Ofcom with scripts or transcripts of any material included in the service when requested to do so.

### Complaints relating to the licensed service

- 9.5 Licensees must ensure that they have in place procedures acceptable to Ofcom for the handling and resolution of complaints about their service.
- 9.6 The licensee must also comply with all the specific provisions relating to fairness complaints (such as the provision of transcripts, copies of documents and correspondence related to the complaint, recordings etc. to Ofcom and the complainant).
- 9.7 If requested by Ofcom, the licensee must publicise Ofcom's functions in relation to complaints.

### Compliance with ownership restrictions

- 9.8 The Broadcasting Act 1990 lays down a number of restrictions on who may hold Ofcom's broadcasting licences. The licensee is obliged to comply with these ownership restrictions and failure by a licensee to do so will constitute a breach of the licence which, if not rectified, may result in revocation of the licence.

### Sanctions

- 9.9 Ofcom can impose sanctions on a licensee for serious, deliberate, repeated and/or reckless breaches of the licence conditions (for example, if broadcast content does not comply with

the relevant codes). The sanctions available to Ofcom range from requiring the licensee to broadcast a statement of Ofcom's findings on their service, to the imposition of a financial penalty on the licensee, and/or revocation of the licence. For further information about sanctions, please consult Ofcom's [procedures for the consideration of statutory sanctions in breaches of broadcast licences](#).

## Provision of information and Notification to Ofcom

- 9.10 The licensee must supply to Ofcom by the deadline provided, any information that we may require for carrying out our duties. This includes (but is not limited to) information about the licensee's corporate structure (if a company or other type of organisation), or any information that Ofcom may need to determine whether the licensee is on any ground a "disqualified" person under Schedule 2, Part II of the Broadcasting Act.
- 9.11 There are also a number of matters that licensees should notify Ofcom of in writing. These include, but are not limited to, changes in control of the licensee.
- 9.12 Please note that the requirements in the licence for the provision of information and notifications to Ofcom are broad, and that this is only a brief overview.

## Transfers

- 9.13 Once a licence is granted, it can be transferred to a new licensee subject to Ofcom's prior written consent. 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.

## Compliance with technical licence conditions

- 9.14 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, RSLs to serve establishments or other defined locations are required at or before the time of bringing transmissions into service to provide Ofcom with the following:
- 9.15 For FM services:
- a) A photograph of the complete radiating aerial installation 'in situ'.
  - b) A photograph of the transmission rack.
  - c) The transmitter type.
  - d) A sketch/block diagram of the proposed installation, specifying the antenna type, and include calculations with cables losses, attenuators etc, to show the transmitter power required for the licensed effective radiated power (ERP).
  - e) A commissioning report of the system, including frequency, Deviation, spectral occupancy, and harmonics.
- 9.16 For AM services:

- a) A photograph of the complete radiating aerial installation 'in situ'.
  - b) A photograph of the transmission rack.
  - c) The transmitter type.
  - d) A list of the following data/calculations:
    - e) the height above ground level (in metres) of the radiating antenna at its highest point;
    - f) a calculation of aerial system efficiency, and effective electrical height;
    - g) 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;
    - h) the measured transmitter output power, as installed; and
    - i) the measured aerial current at the base of the radiating aerial.
  - j) A commissioning report of the system, including frequency, modulation depth, and harmonics.
- 9.17 Please see the [Ofcom Site Engineering Code for Analogue Radio Broadcast Transmission Systems](#) for further guidance information on AM/FM commissioning tests.
- 9.18 Please provide the above information by email to [Broadcastradiocompliance@ofcom.org.uk](mailto:Broadcastradiocompliance@ofcom.org.uk).
- 9.19 The required information must be provided within ten working days of the commencement of the licence. Failure to do so may result in a direction to cease broadcasting.

# A1. Fees

## Licence fees

- A1.1 For restricted services transmitting at up to and including 2 Watts, there is a daily rate charge of £30 for the Broadcasting Act ('BA') licence fee and £40 for the Wireless Telegraphy Act ('WTA') licence fee, up to an annual limit of £210 for the BA fee and £240 for the WTA fee.
- A1.2 For restricted services transmitting at above 2 Watts, there is a daily rate charge of £30 for the BA fee and £40 for the WTA fee, up to an annual limit of £900 for the BA fee and £1200 for the WTA fee.
- A1.3 We expect that most restricted services serving establishments or other defined locations will be transmitting at up to 2 Watts, and most restricted services covering events will be transmitting at above 2 Watts.

**Table 1: Restricted services tariff table – overview**

|                 | BA fee<br>daily rate | WTA fee<br>daily rate | Total daily<br>fees | BA annual<br>limit | WTA<br>annual<br>limit | Total<br>annual fees |
|-----------------|----------------------|-----------------------|---------------------|--------------------|------------------------|----------------------|
| <b>Up to 2W</b> | £30                  | £40                   | <b>£70</b>          | £210               | £240                   | <b>£450</b>          |
| <b>Above 2W</b> | £30                  | £40                   | <b>£70</b>          | £900               | £1200                  | <b>£2100</b>         |

**Table 2: Restricted services – daily charges for broadcasts up to 2 Watts, up to the annual limit**

|                    | BA fee | WTA fee | Total fees |
|--------------------|--------|---------|------------|
| <b>Daily rate</b>  | £30    | £40     | £70        |
| <b>Days on air</b> |        |         |            |
| <b>1</b>           | £30    | £40     | £70        |
| <b>2</b>           | £60    | £80     | £140       |
| <b>3</b>           | £90    | £120    | £210       |
| <b>4</b>           | £120   | £160    | £280       |
| <b>5</b>           | £150   | £200    | £350       |
| <b>6</b>           | £180   | £240    | £420       |
| <b>7+</b>          | £210   | £240    | £450       |

**Table 3: Restricted services – daily charges for broadcasts above 2 Watts, up to the annual limit**

|             | BA fee | WTA fee | Total fees |
|-------------|--------|---------|------------|
| Daily rate  | £30    | £40     | £70        |
| Days on air |        |         |            |
| 1           | £30    | £40     | £70        |
| 2           | £60    | £80     | £140       |
| 3           | £90    | £120    | £210       |
| 4           | £120   | £160    | £280       |
| 5           | £150   | £200    | £350       |
| 6           | £180   | £240    | £420       |
| 7           | £210   | £280    | £490       |
| 8           | £240   | £320    | £560       |
| 9           | £270   | £360    | £630       |
| 10          | £300   | £400    | £700       |
| 11          | £330   | £440    | £770       |
| 12          | £360   | £480    | £840       |
| 13          | £390   | £520    | £910       |
| 14          | £420   | £560    | £980       |
| 15          | £450   | £600    | £1,050     |
| 16          | £480   | £640    | £1,120     |
| 17          | £510   | £680    | £1,190     |
| 18          | £540   | £720    | £1,260     |
| 19          | £570   | £760    | £1,330     |
| 20          | £600   | £800    | £1,400     |
| 21          | £630   | £840    | £1,470     |
| 22          | £660   | £880    | £1,540     |
| 23          | £690   | £920    | £1,610     |
| 24          | £720   | £960    | £1,680     |
| 25          | £750   | £1,000  | £1,750     |
| 26          | £780   | £1,040  | £1,820     |

|     | BA fee | WTA fee | Total fees |
|-----|--------|---------|------------|
| 27  | £810   | £1,080  | £1,890     |
| 28  | £840   | £1,120  | £1,960     |
| 29  | £870   | £1,160  | £2,030     |
| 30+ | £900   | £1,200  | £2,100     |

## Application fees

- A1.4 For an RSL to cover an event, a £400 non-refundable application fee is payable.<sup>15</sup>
- A1.5 For an RSL to serve an establishment or other defined location, a £200 non-refundable application fee is payable.

## Amendment fees

- A1.6 If an applicant wishes to amend details of its application after it has been received by Ofcom, but before a licence has been granted, a £200 amendment fee is payable.
- A1.7 The amendments should only relate to changes that do not require frequency re-planning, such as a change to the proposed licensee.
- A1.8 Any changes to the transmitter site or broadcast dates will usually incur the cost of a new WTA licence.

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<sup>15</sup> If you are applying for restricted service licences to cover separate events within a three-month period of the date of the first event, the application fee is also £400.