Invitation of applications for community radio licences: EAST OF ENGLAND (WITH NORTHAMPTONSHIRE AND MILTON KEYNES)

Publication date: 24 September 2014; Revised 12 November 2014
About this document

This document invites applications for licences to provide community radio services in localities within the East of England together with Northamptonshire and Milton Keynes.

With the exception of applications covering Southend on Sea, Castle Point or Thurrock, the closing date for receipt of applications is 5 pm on Tuesday 16 December 2014. The deadline for Southend on Sea, Castle Point and Thurrock is 5 pm on Tuesday 3 February 2015.

It explains that there are some areas in the region where community radio services cannot generate on-air commercial revenues (section 2). It also lists the areas where Ofcom cannot accept applications for services on FM due to the lack of suitable frequencies (section 2).

The document also describes the procedure for submitting applications and paying the application fee (section 3).
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Section 1

Introduction

1.1 Ofcom, in accordance with section 104(1) of the Broadcasting Act 1990 (“the 1990 Act”) (as amended by the Communications Act 2003 and as modified by the Community Radio Order 2004 and further modified by the Community Radio (Amendment) Order 2010), invites applications for licences to provide community radio services in localities within the East of England together with Northamptonshire and Milton Keynes. (The exact area for which applications are invited is shown as Area 8 on the map in Annex 2 to this notice).

1.2 These licences are being offered for the provision of services on either the FM (VHF) waveband or the AM (medium wave) band, for an initial maximum period of five years from the commencement of broadcasting. However potential applicants should note that there are parts of this region where suitable FM frequencies are not available, and therefore where applications for FM licences will not be accepted (see paragraph 2.9 of this notice).

1.3 No applications may be made in relation to any areas or localities in the United Kingdom outside the region described in paragraph 1.1.

1.4 The closing-date for the receipt of completed applications will be 5 pm on Tuesday 16 December 2014 (except in certain areas – see below). A non-refundable fee of £600 will be payable for each application submitted and considered.

Revised deadline for parts of Essex

1.5 When we first published this invitation to apply for community radio licences we listed, in paragraph 2.9, the areas for which we believed we did not have suitable FM frequencies available. The list included Southend on Sea and southern and western Essex.

1.6 Subsequently, we have given further consideration to a frequency which had previously been allocated to the Chance Radio community radio service but was not used and therefore became available again. That service had been intended to serve Grays in Thurrock, but further work has established that the frequency could be used in parts of Essex east of Thurrock. As a result we are revising the list of areas for which suitable FM frequencies are not believed to be available (see paragraph 2.9).

1.7 As a consequence, applications for services on FM within the following local authority and unitary authority areas will now be accepted in addition to those referred to in the original version of this document, published on 24 September 2014:

- Southend on Sea
- Castle Point
- Thurrock

1.8 In view of the revision to this invitation Ofcom has decided to extend the deadline for applicants who wish to provide a community radio service in locations in any of the districts listed in paragraph 1.7 above. The new closing date for such applications only will now be 5 pm on Tuesday 3 February 2015. For the avoidance of doubt, the closing date for applications for all other areas covered by this invitation remains 16 December 2014.
Section 2

Restricted areas

Areas where community radio services cannot generate on-air commercial revenues

2.1 The community radio legislation sets out some rules relating to areas where the coverage of a community radio service overlaps with that of a small local commercial radio service. The following provides a brief explanation.

2.2 In deciding to whom and on what terms to grant a community radio licence, Ofcom must have regard to the need to ensure that any service provided under that licence does not prejudice unduly the economic viability of any other local service1 (by virtue of section 105 of the 1990 Act, as modified by the Community Radio Order 2004 and the Community Radio (Amendment) Order 2010).

2.3 In relation to areas served by local commercial radio stations with a 'Measured Coverage Area'2 containing an adult (aged 15+) population of up to 150,000, the legislation states that if the Measured Coverage Area of either the local commercial radio service or the community radio service overlaps by 50% or more in population terms with the Measured Coverage Area of the other service, then Ofcom must include in the community radio licence the conditions we think appropriate to prohibit:

- on-air paid-for advertising; and
- the sponsorship of programmes.

2.4 Details of the local commercial radio services in the East of England, Northamptonshire and Milton Keynes affected by this restriction are contained in Annex 1. You can check whether the area you want to broadcast to falls within the Measured Coverage Area of any of these services by looking at the commercial radio coverage maps on our website http://www.ofcom.org.uk/static/radiolicensing/mcamaps/MCAs.htm

2.5 Applicants should also note that the obligation upon Ofcom to include conditions in community radio licences to prohibit on-air paid-for advertising and sponsorship of programmes is a continuing obligation. This means that, even if there is no existing overlap in Measured Coverage Areas between (1) a proposed community radio service; and (2) a local commercial radio service with an adult population in its Measured Coverage Area of up to 150,000, at the time a community radio service licence is awarded, the prohibition of on-air paid-for advertising and programme sponsorship in the community radio service would be triggered at a future date were such a commercial service to be licensed. Under the terms of the Community Radio Order, Ofcom has no discretion to disapply this rule.

2.6 There are currently no planned launches of new local commercial radio services of such small-scale in this region. Ofcom nonetheless reserves the right to advertise

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1 Now defined, for the purpose of this provision, as local services other than community radio services

2 The area within which a station’s broadcast signal is of a defined strength.
licences for such services in the future if we consider it appropriate to do so (and any community radio licences awarded as a result of this round of licence applications will be awarded on that basis).

2.7 These restrictions are additional to other rules that apply to community radio. For example, another continuing obligation is to include in the licences of community radio services that do not overlap with smaller local commercial services conditions that limit the proportion of their overall income that they may derive from on-air paid-for advertising and programme sponsorship. More information about this (and other rules) is in the notes of guidance and statement of general information Ofcom has produced for applicants (see section 3 of this document).

**Frequency availability**

2.8 Applicants should note that Ofcom cannot guarantee the availability of suitable frequency resources to meet the needs of any applicant group. This being the case, prospective community radio operators should note that applications are made entirely at their own risk.

2.9 Applicants should note that there are currently no suitable FM frequencies available for community radio services in the following unitary authority, metropolitan borough, non-metropolitan borough, local authority and general geographical areas. Applications for services on FM within these areas will therefore **not** be accepted:

- Bury St Edmunds and surrounding area of Suffolk;
- Cambridge;
- Central Bedfordshire;
- Hertfordshire;
- Luton;
- Basildon;
- Brentwood.

2.10 A number of suitable medium wave (AM) frequencies may be available for community radio services within this region.

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3 The original version of this document (published on 24 September 2014) referred to no frequencies being available for Southend on Sea and southern and western Essex. A frequency has now been identified for Southend on Sea, and for Castle Point and Thurrock (but not Basildon or Brentwood) in the southern and western Essex area.
Section 3

Guidelines and procedures for submission of applications

3.1 The application form and other relevant documentation may be obtained from the Ofcom website at: http://licensing.ofcom.org.uk/radio-broadcast-licensing/community-radio/apply-for-licence/. It comprises:

- an application form (please ensure you complete an up to date copy of the form, i.e. version 3);
- ‘Notes of guidance for community radio licence applicants and licensees’; and
- ‘Community radio: third round of licensing’, a statement of general information on this round of licensing.

3.2 If you have any queries these can be addressed to Ofcom’s community radio team by email at community.radio@ofcom.org.uk (or by post: Community Radio Licensing, 5th Floor, Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA).

3.3 The completed application form should be submitted by email, in either Word (.doc) or RTF format, to community.radio@ofcom.org.uk. We do not require a paper copy of the completed document (although if any of the permissible supporting documentation is only available as paper copies, these should be sent to the address given in 3.2 above). At least one typed copy of an application in English should be submitted.

3.4 One electronic copy of a completed application form and any paper copies of the permissible supporting documentation must be received by Ofcom no later than the closing-date specified in Section 1 of this Notice (please note the revised closing date for areas listed in paragraph 1.7). Applications received after the specified dates will not normally be accepted. A member of Ofcom’s community radio team will acknowledge each individual application (usually by email). If you have not received a personalised response after sending in an application you need to contact Ofcom to check that the submission has been received (automated delivery messages cannot be relied upon; nor can ‘bounceback’ messages be guaranteed in the event that an email is rejected by Ofcom’s server).

3.5 In connection with the electronic submission of documents, applicants should be aware that e-mail is not an instant means of communication, especially when there are large attachments. If you have a number of large documents to submit you may need to send them by separate emails (or as compressed files). It is recommended that an email should not have attachments larger than 10 megabytes in total size to reach Ofcom’s community radio email inbox. Applicants are strongly advised to submit e-mail applications at least 48 hours in advance of the closing date, so that urgent steps can be taken by the applicant if no acknowledgement from Ofcom is received.

3.6 No material amendments to the application may be made by the applicant after the closing date without the agreement of Ofcom. If any amendments need to be made by any applicant through circumstances outside its control, then Ofcom should be informed immediately. Ofcom will not agree to any such amendment which it
considered would be unfair to any other applicant applying for a community radio licence in that round.

3.7 Payment of the application fee must also be received by the closing-date specified in Section 1 of this Notice. Applicants may submit their payment by any of the following methods:

   a) Payment by BACS into the Ofcom bank account (sort code: 30-97-90, account number: 00782415, account name: Ofcom). Please note that any payments made using this method will take at least three working days to reach the Ofcom account. In the mandate reference field of your payment, please write 'CR' followed by the applicant's company name or proposed station name.

   b) Payment by CHAPS into the Ofcom bank account (details as above). Please note that although this is a 'same day' payment method, applicants intending to submit their payment on the closing-date itself should confirm with their bank the deadline for ensuring that it is received by Ofcom on that date. In the mandate reference field of your payment, please write 'CR' followed by the applicant's company name or proposed station name.

   c) Payment by cheque. Cheques must be made payable to 'Ofcom', and posted to the address given in 3.2 above. If an applicant wishes to submit a cheque without an accompanying paper copy of the application, the cheque must be accompanied by a note detailing the applicant's company name or proposed station name. Any cheques must be sent to Ofcom in such time that Ofcom will be in possession of cleared funds by the application closing date.

3.8 Failure to comply with any of the above guidelines is likely to result in the disqualification of the application.
Annex 1

Existing local commercial services with a measured coverage area which contains a population of 150,000 adults (aged 15+) or fewer

<table>
<thead>
<tr>
<th>Licence area</th>
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<td>Harlow FM</td>
<td>Heart</td>
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<tr>
<td>King's Lynn FM</td>
<td>KLFM</td>
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<tr>
<td>North Norfolk FM</td>
<td>North Norfolk Radio</td>
</tr>
<tr>
<td>Peterborough FM2</td>
<td>Connect FM</td>
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<tr>
<td>Tendring</td>
<td>Dream 100</td>
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Applications are invited for licences to provide community radio services in localities within the East of England (with Northamptonshire and Milton Keynes) (as shown in area 8 on the map below).