



Invitation of applications for
community radio licences:
SCOTLAND

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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 Scotland. This part of the United Kingdom is shown as Area 2 on the map in Annex 2 to this notice. 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.
- 1.2 No applications may be made in relation to any areas or localities in the United Kingdom outside Scotland.
- 1.3 The closing-date for the receipt of completed applications will be **5.00 p.m. on Tuesday 14 February 2012**. A non-refundable fee of £600 will be payable for each application submitted and considered.

Section 2

Restricted areas

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

- 2.1 Some of the statutory rules relating to areas where the coverage of a community radio service overlaps with that of a small local commercial service were changed in 2010. The following provides a brief explanation.
- 2.2 By virtue of section 105(3) of the 1990 Act, as modified by the Community Radio Order 2004, 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 service.¹
- 2.3 This general requirement used to mean Ofcom:
- could not grant a licence to provide a community radio service in any case where the measured coverage area for that licence, if granted, would overlap with the measured coverage area of a local commercial service which contained an adult (aged 15+) population of less than 50,000 people; and
 - where the measured coverage area of a community radio service overlapped with that of a local service containing an adult (aged 15+) population of between 50,000 and 150,000 people, Ofcom was required to include conditions in the community radio licence to prohibit on-air paid-for advertising and the sponsorship of programmes.
- 2.4 The Community Radio (Amendment) Order 2010 has amended the Community Radio Order 2004. The way the latter modifies section 105 of the 1990 Act has therefore changed.
- 2.5 The general requirement in 2.2 above still applies. However, the prohibition in the first bullet point in 2.3 above, on Ofcom granting community radio licences where their coverage area would overlap with that of local commercial services containing adult populations of less than 50,000, has been removed. Ofcom therefore can now grant community radio licences in these cases.
- 2.6 The rule in the second bullet point has changed slightly. It now applies in relation to areas served by local commercial radio stations with a measured coverage area containing an adult (aged 15+) population of up to 150,000.² It 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:

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

² i.e. it now also applies in relation to small local commercial services whose coverage areas contain fewer than 50,000 adults

- on-air paid-for advertising; and
 - the sponsorship of programmes.
- 2.7 Details of the existing local commercial radio services in Scotland 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>
- 2.8 Applicants should also note that the obligation 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.
- 2.9 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 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).
- 2.10 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

- 2.11 We anticipate that a number of suitable FM and medium wave (AM) frequencies will be available for community radio services throughout Scotland. However, potential applicants should note that there is a relative scarcity of suitable FM frequencies in the central belt of Scotland (i.e. the area of highest population density).
- 2.12 Applicants should note that Ofcom cannot guarantee the availability of suitable frequency resources to meet the needs of all applicant groups. This being the case, prospective community radio operators should note that applications are made entirely at their own risk.

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,
 - ‘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).
- 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. Applications received after this time will not normally be accepted. All applications will be acknowledged (usually by email).
- 3.5 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 considers would be unfair to any other applicant applying for a community radio licence in that round.
- 3.6 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. (Ofcom’s email system cannot accept emails with attachments larger than 10 megabytes.) Applicants are therefore 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.
- 3.7 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

01)	Arbroath FM	(RNA)
02)	Borders FM	(Borders)
03)	Dumbarton FM	(YOURradio)
04)	Dundee FM2	(Wave 102)
05)	Fort William FM	(Nevis)
06)	Gairloch & Loch Ewe FM	(Two Lochs)
07)	Helensburgh FM	(YOURradio)
08)	Inverurie FM	(NECR)
09)	Kintyre, Islay & Jura FM	(Argyll)
10)	Oban FM	(Oban)
11)	Perth FM2	(Heartland FM)
12)	Peterhead & Fraserburgh FM	(Waves)
13)	Pitlochry FM	(Heartland FM)
14)	Shetland FM	(SIBC)
15)	Skye & Lochalsh FM	(Cuillin)
16)	South West Scotland FM	(South West Sound)
17)	Ullapool FM	(Lochbroom)
18)	Western Isles FM	(Isles)

Annex 2

Map

Applications are invited for licences to provide community radio services in localities within Scotland (area 2 on the map below). The Orkney and Shetland Islands are not shown on the map, but applications may be submitted from these areas.

