Invitation of applications for community radio licences:
SOUTH WEST ENGLAND AND WALES

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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 south west England (defined as the counties of Cornwall, Devon, Somerset, Dorset, Wiltshire, Gloucestershire, and including the Unitary Authority areas of Plymouth, Torbay, Poole, Bournemouth, North Somerset, Bath and North East Somerset, City of Bristol, South Gloucestershire and Swindon) and Wales. This part of the United Kingdom is shown as Area 1 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 south west England (as defined above) and Wales.

1.3 The closing-date for the receipt of completed applications will be 5.00 p.m. on Thursday 21 July 2011. A non-refundable fee of £600 will be payable for each application submitted and considered.

Revised deadline for North Devon and Torridge

1.4 On 1 June Ofcom published a consultation on ‘DAB in North Devon’ which invited views on a request, from Now Digital, to extend the coverage area of the Exeter & Torbay multiplex. The closing date for responses was 29 June 2011.

1.5 In view of the demand for an alternative provider of a local radio service in North Devon expressed in response to the consultation, Ofcom has decided that, for any applicants who wish to provide a community radio service in the North Devon area (the districts of North Devon and Torridge), we will extend the closing-date for applications to allow applicants time to develop their plans.

1.6 The new closing-date for applications for community radio services in the districts of North Devon and Torridge only will now be 5.00 p.m. on Wednesday 21 September 2011.
Section 2

Restricted areas

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

2.1 Certain of the rules relating to the overlap between the coverage areas of community radio services and small local commercial services 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.

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. 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

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
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.

2.7 Details of the existing local commercial radio services in the south west of England and Wales 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/mcmaps/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 also additional to other rules that apply to community radio. For example, another continuing obligation is to include in community radio licences 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 In addition to the restrictions detailed above, 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.

2.12 Applicants should note that there are currently no suitable FM frequencies available in the following unitary authority areas and we will not be accepting applications for services wishing to broadcast on FM within these areas:

- Bournemouth
- Poole
- City of Bristol
• Bath and North East Somerset
• Swansea
• Neath Port Talbot
• Bridgend
• The Vale of Glamorgan
• Rhondda, Cynon, Taff
• Cardiff
• Caerphilly
• Newport
• Flintshire
• Wrexham
• Coast of Conwy and Denbighshire

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

3.6 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
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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.

3.7 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></th>
<th>Service Name</th>
<th>Network</th>
</tr>
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<tbody>
<tr>
<td>01</td>
<td>Barnstaple FM</td>
<td>(Heart)</td>
</tr>
<tr>
<td>02</td>
<td>Bath FM</td>
<td>(Total Star)</td>
</tr>
<tr>
<td>03</td>
<td>Bridgend FM</td>
<td>(Bridge FM)</td>
</tr>
<tr>
<td>04</td>
<td>Bridgwater FM</td>
<td>(Total Star)</td>
</tr>
<tr>
<td>05</td>
<td>Caernarfon FM</td>
<td>(Heart)</td>
</tr>
<tr>
<td>06</td>
<td>Ceredigion FM</td>
<td>(Radio Ceredigion)</td>
</tr>
<tr>
<td>07</td>
<td>Cheltenham FM</td>
<td>(Total Star)</td>
</tr>
<tr>
<td>08</td>
<td>Exeter FM</td>
<td>(Exeter FM)</td>
</tr>
<tr>
<td>09</td>
<td>Montgomeryshire AM</td>
<td>(Radio Hafren)</td>
</tr>
<tr>
<td>10</td>
<td>North Wales Coast FM</td>
<td>(Heart)</td>
</tr>
<tr>
<td>11</td>
<td>Pembrokeshire FM</td>
<td>(Radio Pembrokeshire)</td>
</tr>
<tr>
<td>12</td>
<td>Salisbury FM</td>
<td>(Spire FM)</td>
</tr>
<tr>
<td>13</td>
<td>Shaftesbury FM</td>
<td>(97.4 Vale FM)</td>
</tr>
<tr>
<td>14</td>
<td>South Hams FM</td>
<td>(Heart)</td>
</tr>
<tr>
<td>15</td>
<td>Swindon FM</td>
<td>(Total Star)</td>
</tr>
<tr>
<td>16</td>
<td>Warminster FM</td>
<td>(Total Star)</td>
</tr>
<tr>
<td>17</td>
<td>Weston-Super-Mare FM</td>
<td>(Nova Radio)</td>
</tr>
<tr>
<td>18</td>
<td>Weymouth &amp; Dorchester FM</td>
<td>(Wessex FM)</td>
</tr>
<tr>
<td>19</td>
<td>Yeovil FM</td>
<td>(Midwest Radio)</td>
</tr>
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</table>
Applications are invited for licences to provide community radio services in localities within south west England and Wales. This is marked as area 1 on the map below. Please see paragraph 2.12 for a list of the areas with no suitable FM frequencies for which we will not accept applications for services on FM.