

**GUIDE TO SUBMISSIONS
FOR APPLICATIONS FOR SECTION 8(1)
SOUND BROADCASTING SERVICES**

GUIDE TO SUBMISSIONS

FOR SECTION 8(1) APPLICATIONS

1. INTRODUCTION

Section 8 (1) of the *Radio and Television Act, 1988*, as amended by Section 61 of the *Broadcasting Act, 2001*, allows for the Commission to enter into a sound broadcasting contract with an applicant group for a period of not more than **30 days** (whether consecutive days or otherwise) in any period of **12 months**. All applications are subject to contract with the BCI and the availability of a suitable frequency.

2. GENERAL GUIDELINES & PROCEDURES FOR SUBMISSIONS

- (i) The application must be structured **strictly** in accordance with the format prescribed by the Commission in Section 3 of this Guide.
- (ii) The application should be typed in letter quality type-face, or printed, presented in an A4 format. All pages should be numbered.
- (iii) The application should include responses to **all** of the information requested in Section 3 of this Guide. Failure to provide all the required information will delay the processing of the application.
- (iv) Each applicant must send three (**3**) copies of its application to the Commission's offices.
- (v) Due to the nature of the licensing process, applications may take up to **3 months** to be finalised. Applications may be rejected where insufficient time is allowed by the applicant for processing.
- (vi) The application fee for a temporary sound broadcasting contract, consisting of a single transmitter station, is €200.00. An additional charge applies for every additional transmitter station proposed in the application.

The application fee must accompany the application in either a separate envelope or stapled to the application.

Please note that a technical broadcast licence is required for each transmitter site proposed. A single technical broadcast licence can be issued for a transmitter site that will permit its use over a number of specified dates.

If you have particular transmitter sites in mind, please contact the Commission prior to submitting your application so as to assess its suitability.

Please state if you require an RDS licence.

- (vii) The technical broadcast licence is issued for the specific dates requested. Changes to these dates can rarely be accommodated once the application has been approved by the Commission.

Applicants who wish to change the operational dates after the application has been processed may be required to submit a new application. Please note that each application is assessed on its own merits and may take a further **3 months** to be finalised.

If you have particular dates in mind, please contact the Commission prior to submitting your application so as to assess their suitability.

- (viii) Applicants should note that all licences are issued subject to the terms and conditions of the *Radio and Television Act, 1988*, the *Broadcasting Act, 2001* and subject to successful negotiation with the Commission.

- (ix) All contractors are required to indemnify both themselves and the BCI for libel. Proof of libel insurance must be supplied to the Commission following approval of the application, and before any broadcasting commences. ***Applicants will not be issued a contract or technical broadcast licence(s) until this documentation has been supplied.***

Applicants should note that libel insurance may be expensive and costs should be investigated by the Applicant well in advance of broadcasting.

The Commission recommends that all applicants investigate in advance other costs that may arise as a result of operating a temporary sound broadcasting service including transmission costs, PPI, IMRO, MCPS fees, etc.

- (x) All Contractors are obliged to make recordings of all material broadcast using a system approved by the Commission and to maintain these recordings for a minimum period of 90 days.

In instances where the proposed service will act as a pilot for a full radio service, the applicant may be asked to provide further information and clarification. Applications proposing to operate as community radio pilot services will be assessed in terms of the Commission's policy with regard to community sound broadcasting services. This is available from the Commission on request and can also be found on the Commission's website www.bci.ie/public.html.

- (xi) Contractors must ensure that the transmitter station is only in operation on the contracted dates. On completion of the contract period, or on any date not included in the contract, the transmission system must be switched off and disconnected in such a manner as to ensure that it is not possible to inadvertently reactivate the transmission system.
- (xii) Contractors must ensure that access to the transmitter and associated equipment is limited to those with experience of radio frequency engineering. In this regard, a log book must be maintained at the transmitter station that includes details of those authorised to carry out work on the transmitter and the dates on which such works were carried out; in particular, the dates and by whom the transmitter station was commissioned and subsequently removed from operation. The logbook shall be available for inspection by the Commission.
- (xiii) Contractors must advise the Commission, in writing, of any complaints it receives in relation to interference to other wired or wireless systems. Applicants will take all reasonable measures to prevent such interference and will undertake any remedial work required by the Commission or ComReg in this regard.

(xiv) **Public Access**

- The Commission will make applications available for inspection at its offices.
- The Commission may deny members of the public access to material forming part of an application where it seems appropriate that such material should be treated as confidential.

- If an applicant wishes the Commission to treat any part of the application as confidential, it should be presented in an annexe to the application and be appropriately marked. The applicant should outline in a covering letter the reasons for believing that the public should not have access to the material in such annexe.
- Where the Commission believes that material which an applicant has placed in a confidential annexe should be made available for inspection, it will enter into discussions with the applicant in the hope of reaching agreement as to the extent of disclosure. If agreement cannot be reached, the Commission will treat the application as having been withdrawn.
- Each applicant shall be responsible for providing the Commission with such authorisations, waivers and/or indemnities as it may reasonably require in connection with the disclosure to members of the public of material contained in the application.

Failure to comply with any of the above guidelines may render the application liable to disqualification.

DETERMINATION OF APPLICATIONS FOR AWARD OF A CONTRACT

In determining if an applicant should be awarded a temporary sound broadcasting contract, the Commission will have regard to the following:-

- The provision of all the information requested;
- The applicant's ability to provide all of the necessary resources and expertise to run the service successfully;
- The extent to which the service proposed is in accordance with the time limit outlined in Section 8 (1) of the *Radio and Television Act, 1988*, as amended by Section 61 of the *Broadcasting Act, 2001*. In making a determination on this, the Commission will take into consideration the total application and in particular, the membership of the applicant group, its management and staffing, and the proposed programming service.

Applicants should note that the Commission may require additional information before reaching a decision on an application and that this may result in a delay in the proposed on-air dates.

FORMAT OF THE APPLICATION

The format of the application must be structured *strictly* in accordance with the following outline. However, if the nature of the information requested is not appropriate to the type of service proposed, please respond “not applicable”.

1. INTRODUCTION TO THE APPLICANT

(a) Applicants Details

Please provide the name, address, telephone and fax numbers, as well as an e-mail address for the Applicant.

(b) Designated Officer

Please nominate at least one individual who is authorised by the Applicant to represent it, and who will liaise with the BCI on all aspects of the application before, during and after the licensing period.

The Designated Officer must also be a member of the Management Team.

Please provide the name, telephone (daytime and mobile), main contact address and e-mail of the proposed Designated Officer.

(c) Proposed Station Name (if decided)

(d) Brief Description of Programme Service

One short paragraph summarising the type of programme service proposed and the purpose of the licence.

(e) List of Advisers

This section should identify the names and addresses of any relevant consultants or advisors working with the applicant.

(f) Proposed On-air Dates

Please list each date the proposed service will broadcast on.

(g) Indicate if the service is to act as temporary pilot radio station

2. MEMBERSHIP AND DESCRIPTION OF THE APPLICANT

The Commission can **only** enter into contracts with legally constituted organisations or groups, e.g. co-op, company etc. If an applicant group is not a legal entity then it may be necessary for another organisation to make the application on its behalf. This legal entity will be the contractor and legally responsible for the service.

- (a) Please indicate the current legal status of the applicant group and provide relevant documentation e.g. registration number.
- (b) List the **names of the two signatories** (and their capacity within the group) who will sign the contract on behalf of the applicant. One of the signatories must be authorised to sign a legal document on behalf of the contractor.
- (c) If the Applicant is making the application on behalf of another group, then a letter from the Applicant on headed paper must be included which states this arrangement and their support for it.

3. MANAGEMENT AND STAFFING

This section of the application should provide an account of the proposed organisational arrangements for the operation of the temporary radio service. The applicant shall establish a Management Team to operate the sound broadcasting service. The following specific information should be included:-

(a) Management

The names, addresses, ages, qualifications, and relevant experience of station management (including the Designated Officer).

(b) Staffing Matters

Information regarding the personnel who will operate and broadcast on the service, and any relevant experience of such personnel.

4. THE PROGRAMME SERVICE

(a) Programme Schedule

The main elements of the programme schedule should be outlined in terms of content, duration and proposed hours of broadcasting, together with an indication of any developments anticipated and the timing of their introduction.

(b) Programme Policy Statement

The Programme Policy Statement sets out the commitments that the applicant is willing to make to the Commission in respect of key aspects of the programme service. The Programme Policy Statement will form part of the contract between the Commission and the successful applicant.

The Commission seeks specific information on each of the following where relevant: -

- the purpose of the service;
- the target audience for the service;
- proposed hours of broadcasting each day, including a breakdown of live, pre-recorded and automated programming;
- news and current affairs coverage;
- music policy of the station and details of the type of music programming proposed including details on the percentage of specialist music, general music and Irish music to be scheduled on the service;
- plans, if any for the purchase and sale of broadcast material, both from other broadcast organisations and independent producers should be detailed.

5. FUNDING

This section should outline how the station will be funded and include details of the main sources of income for the service and expected expenditure.

Temporary services are not allowed to carry advertising, however, in most instances, sponsorship is allowed. On-air sponsorship announcements may only make reference to the sponsor's name, contact details and slogan.

All sponsorship announcements must comply with the ***Codes of Standards, Practice and Prohibitions in Advertising, Sponsorship and other forms of Commercial Promotion in Broadcasting Services***. This document is available from the Commission on request and can also be found on the Commission's website: www.bci.ie/public.html. The Commission recommends that all applicants be familiar with the Code prior to agreeing sponsorship arrangements.

6. STUDIO AND TRANSMISSION PROPOSALS

(a) Studio

Please provide the following studio details: -

- (i)** Name and address of proposed studio location;
- (ii)** A list of studio equipment to be used for the service, and;
- (iii)** if applicable, the method proposed for linking the studio and transmission site(s).

Where more than one studio location is proposed, please provide details for each studio location and the reason/s for the additional studios. BCI approval to co-locate studios and transmission facilities will be considered separately under transmission.

(b) Transmission

Please provide the following transmission details: -

- (i)** An accurate written description of the proposed service area;

- (ii)** An accurate map outlining the proposed service area. Discovery series map with a scale of 1:50,000;
- (iii)** The name of the proposed transmitter site;
- (iv)** A brief statement outlining why this site is suitable;
- (v)** National Grid Reference to describe the exact location of the site in the form E: xxx; N: yyy, where E is the easting or x map co-ordinate and N is the northing or y map co-ordinate. An accuracy of three digits for E & N is required;
- (vi)** A label on the service area map clearly showing the location of the proposed transmitter site;
- (vii)** A brief statement of the anticipated coverage from the proposed transmitter site;
- (viii)** The height of the antenna above ground level and the height of the proposed site above sea level;
- (ix)** Proposed antenna design and effective operating power;
- (x)** The name of a suitably qualified person or transmission company responsible for the transmitter installation;
- (xi)** The name of the owner of the transmitter or, if rented, then the name of the rental company;
- (xii)** Does the transmission site require planning permission? If so, has a planning application been made and/or approved?

If there are other occupants on the site please detail: -

- (i)** A list of all other occupants;
- (ii)** The proximity of the other antennas or masts at the site in relation to the proposed antenna and mast;
- (iii)** The type of radio equipment being used by the other occupants including their receiving and transmitting frequencies;

- (xiii) Describe the type of area surrounding the transmitter station, urban dwelling, urban industrial, dense urban or rural;

And finally,

- (xiv) Please state if you require an RDS licence. If yes, what eight, non-scrolling characters will be used to identify the station using the RDS technology?

Where more than one transmission site is proposed, please provide details for each site and the reason/s for the additional sites. A plan should be given describing how all of the transmission sites will operate together and the main site should be indicated.

Please note that the technical details for full-time broadcasting services differ from the above requirements. These differences include (i) studio accessibility and (ii) studio-transmission site co-location suitability.

The studios for a pilot radio service must be accessible for people with disabilities. A guide is available from the BCI's engineering division outlining the additional access requirements.

A pilot community radio service will be required to demonstrate compliance with these guidelines hence it may be beneficial to contact a member of the BCI engineering division in advance of the submission of the application.

ASSESSMENT OF APPLICATIONS AND AWARD OF A CONTRACT

ASSESSMENT OF WRITTEN APPLICATIONS

The Commission will assess every written application which is submitted to it. Following the assessment process, the Commission may:-

- (i) award a contract to an applicant on the basis of its written submission;
- (ii) seek further information/clarification before making a decision or;
- (iii) decide not to award a contract.

NOTIFICATION

- (i) The Commission will notify the applicant of its decision in writing
- (ii) Approval of applications is always subject to the Commission for Communications Regulation (ComReg) being in a position to provide a suitable frequency assignment for the proposed service and the successful conclusion of contract negotiations with the BCI.
- (iii) Following both the identification of a suitable frequency by ComReg and approval of the application by the Commission, applicants are required to enter into contract negotiations before going on-air.
- (iv) Following the successful conclusion of contract negotiations, three (3) copies of the temporary sound broadcasting contract will be forwarded to the applicant group who are requested to sign and seal **all three copies** and return them to the offices of the Commission.
- (v) When the Commission is satisfied that everything is in order, the contracts are signed, sealed and dated by the Commission and one copy plus the technical broadcast licence/s will be sent to the applicant.