



The Broadcasting Act 1993 (as amended)
Licence Application Guidance and Process

March 2013

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SECTION 1: INTRODUCTION

1 Introduction and purpose of this document

- 1.1 These guidance notes are for the general guidance of applicants for licences granted under the Broadcasting Act 1993. They provide an overview of the licensing process and the licensing requirements but do not purport to explain all the relevant provisions of the legislation, or give an exhaustive account of the licensing requirements or licence conditions. Applicants should seek their own legal advice for this purpose. The guidance notes cannot be taken as modifying the effect of the statutes or the conditions of any licence.

SECTION 2: GUIDANCE AND PROCESS

2 How to apply

If you have a query about how to complete the application process, please contact the Communications Commission ("the Commission").

Applicants are requested to submit their application to cc@iomcc.im . A signed hard copy should also be submitted to:-

The Legislation and Policy Officer
Communications Commission
2nd Floor, St Andrews House
Finch Road
Douglas
Isle of Man
IM1 2PX

www.iomcc.im
cc@iomcc.im
Tel: +44 1624 677022

3 Confidential information.

Applications will be made available for public inspection on the Commission's website. Details of which parts of an application may, or should, be submitted in confidence are included in this application form. If you wish part of an application to remain confidential please clearly mark it '**confidential**'.

In submitting an application the applicant agrees that, should a licence be granted, the Commission may publish contact details for the licensee (specified in section 2.2 of the application form), which may include personal data, on the Commission's website and/or in other relevant publications. The licence may also be published on the Commission website.

If a third party completes the form on behalf of the applicant, it should be made clear in an accompanying letter and evidence of authority to act on behalf of the applicant must be provided. The form should be filled in so as to include information about the applicant, not about the third party acting on their behalf.

Sufficient information must be supplied about the identity, composition and ownership of the applicant and any body or individual which controls the applicant to ensure that the applicant may hold a licence granted under the Broadcasting Act 1993 (as amended) ("the Act"). Before a licence is granted, further details may be required.

4 General disclaimer

This guidance is not intended to be a complete or authoritative statement of the law. Only the official wording of Acts, Regulations and Orders, and the interpretation given by the Courts, are authoritative.

The award of a licence shall not imply any warranty on the part of the Commission as to the size or location of the area actually capable of receiving the licensed service.

The Commission reserves the right to alter or correct any part of this document.

5 Statutory background

5.1 Broadcasting Act 1993 Licence

The licensing of broadcasting services, both generally and for coverage of specific events, is provided for in the Act. A copy of the Act is available on the Commission's website.

5.2 Wireless Telegraphy Act Licence

In addition to a licence granted pursuant to the Act ("a Broadcasting Act Licence) the licensee will also require a licence granted pursuant to the Wireless Telegraphy Act 2006 (an Act of Parliament)("WTA") ("a WTA Licence") which is required in order to broadcast in or from the Isle of Man. A WTA Licence is issued by the UK regulator Ofcom. Under the WTA, as applied to the Isle of Man by the Wireless Telegraphy (Isle of Man) Order 2007, it is an offence to install or use wireless telegraphy apparatus except in accordance with a WTA Licence (or an exemption) issued by Ofcom. Ofcom takes the decision to grant a WTA Licence after consultation with the Commission. Information can be obtained from:

Ofcom

Riverside House

2a Southwark Bridge Road

LONDON, SE1 9HA

Tel: 0300 123 3000

www.ofcom.org.uk

<mailto:spectrum.licensing@ofcom.org.uk>

6 Statutory requirement for Granting a Broadcasting Act Licence

The Act requires the Commission, when exercising its functions, s.1(c)"...to further the interests of the Island in the whole field of programme services".

The Act also requires the Commission to discharge its functions in a way best calculated to ensure that "programme services so provided are of a high quality and offer a wide range of programmes calculated to appeal to a variety of tastes and interests" (Section 2 (2) of the Act).

Section 2(2A) of the Act lays down criteria against which all licence applications must be judged. The Commission must have regard (among other matters) to these criteria when it is deciding whether, or to whom, to award a Broadcasting Act Licence. Applicants should note that although the Commission is required to have regard to all four statutory criteria contained in Section 2(2A), it may be that it will regard one or more of these criteria as being particularly important in view of the characteristics of the Broadcasting Act Licence to be awarded. The more detailed considerations listed under each statutory criterion are indicative of the main areas which will generally be considered when considering an application. They will not necessarily carry equal weighting, and do not necessarily represent an exhaustive list.

- (a) Section 2(2A)(a) - Ability to maintain the Service "The ability of the applicant for the licence to maintain, throughout the period for which the licence would be in force, the service which that person proposes to provide"

- The extent to which the overall business plan indicates the applicant's ability to maintain the proposed service;
- The extent to which financial and audience forecasts are appropriate/realistic;
- The extent to which sources and levels of funding are appropriate/sufficient;
- The extent to which the people who would be running the broadcasting service have relevant experience, knowledge and contacts;
- The extent to which the assumptions that the projected revenues and costs are based on are realistic and/or appropriate; and/or
- The extent to which the transmission proposals are appropriate and implementable.

(b) Section 2(2A)(b) – Broadening of Choice / Catering for Tastes and interests
 “The extent to which any such proposed service would broaden the range of programmes available to persons living in the Island, by way of services licensed or to be licensed under this Part, and in particular the extent to which the service would cater for tastes and interests different from those already catered for by services licensed or to be licensed under this Part”

- In relation to the extent to which the proposed programme service would broaden choice for the consumer, whether this criterion is taken to mean the broadening of format choice for a demographic already served by another broadcaster, or the broadening of existing broadcasters' demographic appeal in that area, will depend on the target market identified, existing provision, and the level of demand for the proposed service that has been demonstrated;
- The extent to which the proposed format fits with the applicant's expressed programming philosophy, and is consistent with the applicant's research findings;
- The extent to which the programming proposals are coherent and capable of delivering the intended service;
- The extent to which an applicant's research demonstrates evidence of demand for the proposed service; and/or
- Where evidence of support is provided, we will focus in our evaluation on its quality rather than quantity.

(c) Section 2(2A)(c) - “The extent to which any such proposed service would affect the ability of any existing service licensed under this Part to be maintained for the remainder of the period for which the licence for that existing service is to be in force”

- The extent to which the proposed programme service could affect the ability of existing services to be maintained;
- The extent to which the proposed service might prejudice unduly the economic viability of any existing service

(d) Section 2(2A)(d) –“The extent to which any reasonable demand for programme service is or is to be met by other means.”

- The extent to which any reasonable demand for programme service is or is to be met by other means – eg. internet based services, off-Island services, satellite or mobile services and any other means of service delivery.

7 The licensing process

7.1 General Principles

The Commission's objective is to operate a licensing scheme that is capable of responding to technological and market developments, but is not arbitrary or biased. To assist the Commission in considering applications in a consistent manner, all applicants are requested to complete an application providing detailed information about the applicant, its resources (financial and other), its proposed programming and other relevant information.

7.2 Licence Term

A Broadcasting Act Licence (with the exception of that granted to the public service broadcaster) will be granted for a maximum term of ten (10) years.

7.3 Submitting a valid application

The details that are required for an application to be considered are given in the Application Section. The Commission will assess applications to determine whether or not the applicant meets the criteria.

Applications will be processed as and when they are submitted by the applicant. The Commission will regard the submission of an application as an indication of an applicant's willingness to accept if offered, the Broadcasting Act Licence subject to the conditions indicated.

The Commission will normally acknowledge an application within five working days.

The Commission may seek further information from the applicant or from third parties, whilst assessing an application. Once submitted, an application may not be modified in any way which the Commission considers to be unfair. When considering an application for a Broadcasting Act Licence, the Commission will consider all relevant issues including any compliance record of the applicant as a previous licensee of the Commission or any other regulator (e.g. Ofcom).

If the Commission is subsequently satisfied that an applicant has "provided the Commission with information which was false in a material particular or withheld any material information with the intention of causing the Commission to be misled" in connection with their application, "whether in the Application or otherwise" it may revoke any broadcasting Act Licence issued.

7.4 Nature of the Service

Applicants are asked a series of questions to ascertain details relating to the nature and characteristics of the proposed service, the answers to which will be taken into account by the Commission and will form the basis of the description of the service set out in the Broadcasting Act Licence. This can only be varied with the agreement of the Commission. Applicants should also note that certain commitments made by an applicant will be incorporated into the licence as Conditions of the licence. The Commission considers Broadcasting Act Licences to be public documents and may publish copies on the website.

8 Timescales and Process

As a guideline, the Commission's aim is to normally process an application for a Broadcasting Act Licence within 3 to 6 months from the date of receipt. However it reserves the right to alter this timescale. This assumes that full and accurate information has been provided by the applicant together with any necessary

accompanying documentation and that the application is for a frequency channel pre-cleared through Ofcom.

The Commission may publish the basic details of an application and invite views.

For applications that are not for a pre-cleared frequency channel, a detailed assessment of frequency availability will need to be carried out by Ofcom, and in some cases international frequency co-ordination may be required which can take several months.

9 Reasons for Refusal

The Commission may refuse to issue a Broadcasting Act Licence if the applicant is not a "fit and proper person", if the applicant is a disqualified person, if the application does not satisfy the criteria set out in section 2 of the Act or if the proposed service would be likely to involve contraventions of the standards for programmes and advertising.

In cases where the Commission has instigated compliance procedures against a licensee, 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 the compliance procedure against the existing connected licensee is concluded. This means any compliance procedure imposed must be satisfied /complied with before any new application by that licensee or by a person/body connected to that licensee can be considered.

10 Broadcasting of Specific Events

It is important that if an applicant wishes to broadcast coverage of a specific event, they obtain the written permission of the event organiser.

11 Fees

The sum of £250 is payable on the grant of a Broadcasting Act Licence, plus an annual fee of £250 thereafter [payable on the anniversary of the date of grant of the licence]. These fees are subject to review.

Applicants should contact Ofcom for the WTA Licence fees.

12 Consultation Period

On receipt of an application, the Commission will issue a Public Notice advising the public that an application has been received. The "non-confidential" information contained in the application will then be made available for public consultation. A period of 4 weeks will then follow, allowing time for any representations to be made upon the application by the public. Any such representations will be forwarded to the applicant for review and comment prior to detailed consideration by the Commission.

At this stage, the Commission will consult with the applicant with regard to any special licence conditions under consideration.

When a Broadcasting Act Licence and the associated WTA Licence are granted, the name of the service, contact details for the licensee and a brief description of the licensed service (Station Format) will be published on the Commission's website. These are the details supplied by the licensee in the Application Form. The Commission should be contacted immediately, if there are any questions about the information that the Commission publishes, or if there are any changes to this information.

13 Ownership Restrictions

Schedule 1 of the Act sets out a number of restrictions on who may hold broadcasting licences. Please see Appendix Two: The Broadcasting Act 1993 Schedule 1: Restrictions on the Holding of Licences.

13.1 Fit and Proper

Section 2(4)(a) of the Act states that the Commission "*shall not grant a licence to any person unless it is satisfied that he is a fit and proper person to hold it...*" When considering this matter, the Commission will, amongst other things look at the absence of a criminal record, although a director or shareholder who has a criminal record will not necessarily be refused a Broadcasting Act Licence. This will depend on all the circumstances of the applicant as a whole. The Communications Commission is entitled to refuse an application by any person unless it is satisfied that they are fit and proper. Convictions considered spent under the [Rehabilitation of Offenders Act 2001](#) do not need to be declared.

14 Music Copyright

The applicant is responsible for reaching agreement with those owning copyright or performing rights to any of the material which it is proposed to broadcast. If you intend to broadcast any music you must get a licence from the Performing Right Society (PRS) 29/33 Berners Street, London W1P 4AA. (tel 020 7580 5544, <http://www.prsformusic.com>). To broadcast any recorded music you must also get a licence from Phonographic Performance Limited ("PPL") 1 Upper James Street, London W1R 3HG (tel 020 7534 1000, www.ppluk.com). The playing of music originating outside the UK and the Isle of Man, will be subject to copyright or performing rights licensing.

The recording of music for any purpose, including Mechanical Copyright Protection Society ("MCPS") production library discs, will require a licence from the MCPS which is at the same telephone number, address and website as PRS (<http://www.prsformusic.com>).

The Commission cannot advise on copyright or performing rights requirements, and you should contact the relevant bodies directly for such information.

SECTION 3 APPLICATION

The Commission will use the information given to assess your application therefore please answer the specific questions even if you believe that some of this information is already known to the Communications Commission.

The application should be structured strictly in accordance with the following outline

1 Opening Statement.

Please describe your organisation and its objectives, the nature of your proposed broadcasting service, the community which it intends to serve and its broadcasting philosophy. The statement should be brief, at most no longer than two short paragraphs.

2 About Your Organisation and How To Contact You.

- a) Name of Applicant, Address, Telephone and Fax Nos., E-mail address
 - This must be a single legal entity: either a body corporate or a named individual person. If the former, a copy of the certificate of incorporation must be included with the application.
- b) Main Contact (For Public Purposes)
 - Please nominate at least one individual to deal with any press or public enquiries, stating:
 - Name, Telephone (daytime), Address and E-mail address
 - Proposed Station Name (if decided)
- b) Main Contact (For Commission Purposes)
 - Please nominate one individual to whom questions of clarification and/or amplification should be sent, stating: Name, Telephone (daytime), Address and E-mail address:
 - This information must be submitted in confidence, separately from the other responses in this section.

3 Broadcasting Act 1993 Section (2A)(a): Ability to maintain proposed service

3.1 Ownership and control of company which will operate the licence

- a) Board of Directors
 - i) Provide the name, occupation, contact details, expected role, other directorships, other media interests, background and relevant media experience of each director (executive and nonexecutive), including the proposed chairperson.
 - ii) If there are firm plans to appoint any further directors, provide information (with details of any specific individuals in mind). This information may be submitted in confidence.
- b) Proposed Investors and Shareholding Structure
 - i) Company limited by shares: Please provide the names and addresses of all members of the company having an interest of 5% or more in the applicant. Please also provide

this information for members of any company which has an interest of 5% or more in the applicant.

c) **Involvement of the Applicant in Specified Activities**

Details are required of the involvement by the applicant and its participants (including shareholders or other subscribers of more than 5% of the applicant's total funding requirements) in any of the activities listed below, and the extent of the interest. For these purposes, the applicant includes associates of the applicant (i.e. directors and their associates and other group companies):-

- i) Newspapers;
- ii) Other broadcasting interests;
- iii) Bodies whose objects are wholly or mainly of a religious nature;
- iv) Bodies whose objects are wholly or mainly of a political nature;
- v) Local authorities;
- vi) Other publicly-funded bodies.

* Applicants should note that this information is required for the purposes of checking compliance with the ownership rules (i.e. the provisions of s.3 and Schedule 1 of the Act), and is not relevant to an applicant's ability to maintain its proposed service. If none of the categories above apply to the application this should be clearly stated.

4 Details of Applications, Licences and Compliance

- i) If the applicant is a current licensee of the Commission, or controls an existing licensee of the Commission or Ofcom, please give current licence reference number (if appropriate) and the name of the service.
- ii) Alternatively if the applicant is controlled by an existing licensee or by a person who is connected with an existing licensee of the Commission or Ofcom then please provide the licence reference number (if appropriate) and name of the service.
- iii) If the applicant has made any other application for a licence to the Commission (or Ofcom or any of its predecessor broadcast regulators – ITC and the Radio Authority), please give details.
- iv) Please give details if the applicant is subject to any current or pending investigation by any statutory or regulatory or Government body in the Island, the United Kingdom or elsewhere in respect of any broadcast related matter.
- v) Please give full details if the applicant has ever been subject to a statutory sanction or compliance procedure for contravening a condition of a broadcasting licence in the Island, the United Kingdom or elsewhere. (Details should include the service which the sanction related to, the number of the licence, the nature of the breach, the type of sanction imposed and the date on which the sanction decision was published.)

5 Other matters which may influence the application

The Commission requires that applicants should, at the time of making this application, notify of any matters which might influence the Commission's judgement as to whether:

- a) Any director/manager of the applicant group,

or,

b) any individual, or any director of a company, who will have an interest of 5 per cent or more in the applicant group

may not be considered a 'fit and proper' person to whom a Broadcasting Act Licence may be granted.

Factors which might exclude a person from involvement may include, but are not limited to, any un-discharged bankruptcy order, or any disqualification from being a director or a limited company.

Please state clearly whether or not there are any reasons why the Commission might consider the applicant not to be a fit and proper person to participate in a broadcasting licence. (You may mark the answers to this question confidential).

6 Financial and business plan

Section 2(2A)(a) of the Act as amended requires that when considering a licence application, the Commission takes into account the applicant's ability to maintain the proposed service. This means that we need to know about the experience and expertise of the applicant and any group of which it forms part, its structure and the management and staffing it would have if the application was to be successful. In addition the Commission needs to know about the applicant's financial position, assets and proposals for funding the operation of the intended service.

(a) Overall Financial Strategy

Provide a concise summary of how the applicant considers it is able to establish and maintain, throughout the licence period, its proposed service, and how this licence fits in with the investors' strategy.

(b) Funding

Detail the sources of finance that will be used to fund the service for which the licence is sought, under the following headings:

- i) Share capital
- ii) Loan stock
- iii) Leasing/HP facilities (capital value)
- iv) Bank overdraft
- v) Grants and donations
- vi) Other (please specify)

Where relevant, provide information on:

- i) Loan terms (e.g. interest rate, repayment terms, redemption/conversion terms);
- ii) Assets leased.

All of the funding identified above should be confirmed to the applicant. Explanation should be provided if this is not the case.

(c) Financial Projections

The purpose of this question is to allow the applicant to demonstrate its understanding of the market. The forecasts should be based on reasonable assumptions, that are logically applied and justifiable.

The applicant should provide financial projections for every year of the period for which the licence is sought. The projections must include:

- i) Profit and loss accounts
- ii) Balance sheets
- iii) Cash-flow forecasts

The period covered is at the discretion of the applicant, but should be justified. The forecasts should be supplied on an Excel spreadsheet or similar, with any accompanying guidance notes. The applicant must, using information from its business model, also complete and submit the spreadsheet located at "Appendix Three: Financial Template" which is also available on the licensing area of the website <http://www.iomcc.im/licensing.xml>.

This section must include a full listing of the underlying assumptions on which the financial projections are based, relating such assumptions clearly to other parts of the application (e.g. proposed format, extent of coverage area).

The applicant should detail how revenue figures were derived, distinguishing between local, national, advertising and sponsorship revenue.

Detail any other broadcasting experience the applicant has, for example, satellite/internet broadcasting experience. You should also detail any persons involved in the service who may have particular broadcasting experience.

7 Staffing and Management Structure

Management Structure: Details of board, management committee or equivalent. Please provide details of those individuals who will be responsible for management and policy-making process, outlining individual roles and responsibilities. You should detail the number of people involved and explain their particular roles within the management of the proposed broadcasting service. Please also indicate which posts are paid and which are voluntary. Please give details of which posts are full-time and, in the case of part-time posts, specify the number of hours expected to be worked each week. A diagram of the proposed management structure may be helpful.

Staffing Structure: Please indicate the same for the proposed staffing structure.

The response to this question may be submitted in confidence.

8 Programming Output.

Section 2(2A)(b) of the Act requires that, when considering a licence application, the Communications Commission takes into account the extent to which the applicant's proposals would "*broaden the range of programmes available to persons living in the Island*", and in particular the extent to which the service would cater for "*tastes and interests different from those already catered for by services licensed ...*".

Before considering these two specific requirements, the Commission needs to have a detailed understanding of the target market or community (or communities) the applicant's proposed service would serve and of the programming service it proposes to provide.

(a) *Station Name* (working titles accepted);

(b) *Service Duration*. This is the number of hours the applicant proposes to broadcast each day. Please state whether the applicant plans to repeat transmissions of particular outputs at differing times of day. It should also include the number of hours of locally-made programming (i.e. programming made within the licensed area) promised. If output will differ between weekends and weekdays please give details.

(c) *Character of Service*. This is a clear, one or two sentence description of the output and target audience.

(d) *Third Party Programming*: Details of Third Party Programming output which the applicant expects to broadcast (e.g. news service, overnight sustaining service or programming made by independent groups).

(d) *Detail*. This should address, where appropriate:

(i) A clear description of the type/range of music (please give percentage breakdown, in terms of total service output not just music output, of expected music output by genre).

(ii) Specialist music programmes.

(iii) Types and level of speech content (peak/non-peak)

(iv) Any specific plans for local material and the proportion of locally-made programming, if any, should be set out in this section.

(v) Broadcast languages, in particular any broadcast proposed in Manx Gaelic.

(v) News output: local and national (weekdays and weekends, peak time, non-peak, etc.)

(vi) Other character-defining elements of programming

(vii) Automated output. Please provide details of type and expected duration of automated output.

9 Programming Philosophy

(a) This sub-section of the application should take the form of a statement setting out the applicant's overall programming philosophy and vision for the radio service.

(b) The strategies which the applicant proposes to implement in regard to:

i) catering for the tastes and interests, general or particular, of persons living in the area;

ii) broadening the range of local commercial services available in the area, that is how will your service be different and distinct from existing services in the Island.

(c) Target Audience

This section should provide an analysis of the reasons as to why it is considered that there is a demand for the type of service proposed, with reference to the size and nature of the proposed target audience. Please include any findings from any research undertaken, with an explanation of the methodology of the research. These may be submitted in confidence.

(d) Evidence of Demand and Support

This section should provide evidence of support, where appropriate, from the applicant's potential audience or from prospective local advertisers. These may be submitted in confidence.

10 Transmission proposals

Section 2(2A)(a) of the Act requires that when considering a licence application the Commission takes into account the applicant's ability to maintain the proposed service. In addition to the structural, financial and other matters dealt with in the previous section of this application, the Commission also requires information about the applicant's engineering and transmission proposals.

(a) Provide details of the transmission site the applicant proposes to use, under the following

headings:

- i) Name and National Grid Reference of site;
- ii) Height of site above Ordnance datum (in metres);
- iii) Height of transmitting aerial above ground level (in metres); and
- iv) Effective Radiated power (ERP) in either or both planes of polarisation, and aerial radiation pattern (if no aerial radiation pattern is submitted, it will be assumed without exception to be omni-directional).

The applicant should confirm whether he believes that his intended mast aperture will be available, and whether, where required, planning permission has been or can be obtained. Where appropriate, evidence to support this belief should be provided. Details of any negotiations which have been entered into with the site owner should also be provided.

(b) Please provide a detailed computer predicted map (in colour) of the coverage anticipated using the transmission site and parameters described above.

(c) Describe proposed arrangements for transmission provision (installation, maintenance and repair). The transmission system and equipment must comply with the Ofcom Site Engineering Code for Analogue Radio Broadcast Transmission Systems.

http://stakeholders.ofcom.org.uk/broadcasting/guidance/tech-guidance/eng_code/

(d) What is the anticipated time-lapse between the award of licence, if granted, and the start of broadcasting? Applicants should note that failure to commence broadcasting the service within two years of the date on which the licence is awarded is likely to lead to the offer of a licence to the licensee being withdrawn. In these circumstances the licence would be advertised afresh and a new competition would be held to award the licence.

11 Station Format:

A blank Format is attached at Appendix One Station Format: for the applicant to complete. Reasons for omission of any particular criteria (and it is accepted that not all criteria will be

relevant to all applications) should be set out separately. The Format will form part of any licence granted.

Therefore, questions of clarification may be asked prior to licence award and the wording amended to reflect this, if necessary.

12 Declaration

Applicants are required to conclude their application by responding to the following question:

- a) Do you confirm that, to the best of your knowledge and belief:
- the applicant is not a disqualified person in relation to the licence by virtue of the provisions of s.3 and Schedule 1 of the Broadcasting Act 1993;
 - no director or person concerned directly or indirectly in the management of the company or the applicant group is the subject of a disqualification from holding a broadcasting licence in any jurisdiction;
 - no person involved in the application has been convicted within the past five years of an unlicensed broadcasting offence and that the applicant will do all it can to ensure that no person so convicted will be concerned in the provision of the service, the making of programmes included in it, or the operation of a radio station if the applicant is granted a licence; and
 - any matters which might influence the Commission's judgement as to whether the directors and substantial shareholders involved in the application are fit and proper persons to participate in a radio licence have been made known to the Commission?

b) Criminal Convictions

Note: A director or shareholder who has a criminal record will not necessarily be prevented from holding a licence. This will depend on all the circumstances of the licensee as a whole. Details of spent convictions need not be provided.

Have any of the directors or shareholders of the licensee ever been convicted of a criminal offence in any jurisdiction or received a civil penalty (excluding driving offences)? If yes, please provide the date of the conviction or action, the penalty, and the country.

If you have answered 'YES' to any of the above questions, please provide details on a separate sheet, such that this information may be kept confidential by the Commission.

Applicants should note that the Commission reserves the right to revoke a licence if at any time any material statement made is found to be false and to have been made by the applicant or any member or officer thereof knowing it to be false.

Signed: _____ **Name (BLOCK CAPITALS):** _____

Indicate below the items of additional documentation which are included as part of this application:

Company Memorandum & Articles of Association [Yes] ***(These must be provided.)***

Certificate of Incorporation	[Yes] (<i>This must be provided.</i>)
Latest Annual Return of the Applicant (or copies Of all filings made at Companies Registry since Incorporation)	[Yes] (<i>This must be provided.</i>)
Map Showing Proposed Transmitter site	[Yes] (<i>This must be provided.</i>)
Map Showing Desired Coverage	[Yes] (<i>This must be provided.</i>)
Accounts of the Applicant	[Yes] / [No] (<i>Delete as appropriate.</i>)
Evidence of demand and / or support	[Yes] / [No] (<i>Delete as appropriate.</i>)
Separate Confidential Sections of Application	[Yes] / [No] (<i>Delete as appropriate.</i>)

Note: All confidential information **MUST** be clearly marked '**confidential**' and should be submitted on a separate sheet, rather than as part of the Application Form. **By placing information in the Application Form the applicant agrees to its publication by the Communications Commission.**

I hereby apply to the Communications Commission for the grant of a Licence under the Broadcasting Act 1993 (as amended) for

[Insert name of Applicant Company here]

and declare that the information given in this application and any additional documentation is, to the best of my knowledge and belief, correct. I confirm that I have completed this form as completely as possible and that I have attached / sent any required additional documentation.

Name: (Block Capitals):	
Position:	
Date:	
Signed	

When the application has been completed, checked and signed as required, please send it, together with any additional information and the required payment, to the Communications Commission, following the instructions set out at the beginning of this document.

Data Protection: Personal data that you provide to us will be processed in accordance with the Data Protection Act 2002 of the Isle of Man and will only be used for the purposes of processing this application.

13 Appendix One Station Format

(Name of Station) STATION FORMAT

Licence Outline

Station Name	
Licence Area	
Frequency	
Service Duration	

Definitions

Music Percentages	Any music percentages are calculated as a percentage of the total tracks broadcast in the period specified.
Peak-time(s)	"Peak-time(s)" refers to Weekday Breakfast and Afternoon Drivetime output, and Weekend Late Breakfast.
Daytime	"Daytime" refers to 0600 to 1900 weekdays, and weekend output from 0800 to 1400.

Character of Service

For example: A CONTEMPORARY AND CHART MUSIC AND INFORMATION STATION FOR 15-34 YEAR-OLDS IN THE ISLE OF MAN

Detail

For example: Music programming will be predominantly (up to x%) current chart hits, new releases or hits up to y years old. No more than x% will be hits over y years old. Specialist music programmes for the target audience, which complement the main music mix, may be broadcast in non-daytime periods. The station will be music-led, but information, sport and features of particular relevance to people living in the Isle of Man will be in evidence throughout programming (including an element of regular social action broadcasting), with bulletins containing news run at least hourly during weekday peak-time and during weekend breakfast. UK & International news will feature at the top of each hour.

14 Appendix Two: The Broadcasting Act 1993 Schedule 1: Restrictions on the Holding of Licences

Extract from Broadcasting Act 1993

SCHEDULE 1

RESTRICTIONS ON THE HOLDING OF LICENCES

Section 3(1)

General disqualifications

1. The following persons are disqualified for holding a licence to provide a sound broadcasting service —
 - (a) an individual who is neither —
 - (i) ordinarily resident in the Island, the United Kingdom or the Channel Islands, nor
 - (ii) a national of a Member State who is ordinarily resident within the European Economic Community;
 - (b) a body corporate which is neither —
 - (i) a body incorporated under the law of the Island or the Channel Islands, nor
 - (ii) a body formed under the law of a member State which has its registered or head office or permanent place of business within the European Economic Community;
 - (c) a Statutory Board;
 - (d) a local authority;
 - (e) a body whose objects are wholly or mainly of a political nature;
 - (f) a body affiliated to a body falling within sub-paragraph (e);
 - (g) an individual who is an officer of a body falling within sub-paragraph (e) or (f);
 - (h) a body corporate which is an associate of a body corporate falling within sub-paragraph (e) or (f);
 - (i) a body corporate in which a body falling within any of sub-paragraphs (c) to (f) and (h) is a participant with more than a 5 per cent interest;
 - (j) a body which is controlled by a person falling within any of sub-paragraphs (a) to (h) or by 2 or more such persons taken together;
 - (k) a body corporate in which a body corporate falling within sub-paragraph (j), other than one which is controlled —
 - (i) by a person falling within sub-paragraph (a), (b), or (g),
 - (ii) by 2 or more such persons taken together,

is a participant with more than a 5 per cent. interest.

Disqualification of religious bodies

2. (1) Subject to sub-paragraph (2), the following persons are disqualified for holding a licence to provide a sound broadcasting service —

- a) a body whose objects are wholly or mainly of a religious nature;
- b) a body which is controlled by a body falling within paragraph (a) or by two or more such bodies taken together;
- c) a body which controls a body falling within paragraph (a);
- d) a body corporate which is an associate of a body corporate falling within paragraph (a), (b) or (c);
- e) a body corporate in which a body falling within any of paragraphs (a) to (d) is a participant with more than a 5 per cent. interest;
- f) an individual who is an officer of a body falling within paragraph (a); and
- g) a body which is controlled by an individual falling within paragraph (f) or by 2 or more such individuals taken together.

(2) If on an application made to it under this sub-paragraph the Commission is satisfied that it is appropriate for a person to hold a licence to provide a sound broadcasting service, being a person who would, apart from this sub-paragraph, be disqualified by virtue of sub-paragraph (1), the Commission may make a determination to the effect that it is so satisfied; and so long as any such determination remains in force in relation to that person, sub-paragraph (1) shall not apply to him.

Disqualification on ground of undue influence

3. A person is disqualified for holding a licence to provide a sound broadcasting service if in the opinion of the Commission —

(a) any body which —

(i) falls within paragraph 1(c) to (i) and (k), or

(ii) is controlled by a person falling within paragraph 1(c) to (h) or by 2 or more such persons taken together;

is, by the giving of financial assistance or otherwise, exerting influence over the activities of that person, and

(b) that influence has led, is leading or is likely to lead to results which are adverse to the public interest.

Interests in newspapers

4. (1) No proprietor of an Isle of Man newspaper, a north-west newspaper or a UK national newspaper shall be a participant with more than a 20 per cent interest in a body corporate which is the holder of a licence to provide a sound broadcasting service.

(2) No person who is the holder of a licence to provide a sound broadcasting service shall be a participant with more than a 20 per cent interest in an Isle of Man newspaper, a north-west newspaper or a UK national newspaper.

(3) Any restriction on participation imposed by sub-paragraph (1) or (2) on the proprietor of a newspaper or on the holder of a licence applies to him as if he and every person connected with him were one person.

(4) For the purpose of sub-paragraph (3) the following persons are connected with one another in relation to a particular newspaper —

(a) the proprietor of the newspaper;

(b) the person who controls the proprietor;

(c) an associate of the proprietor or of a person falling within paragraph (b); and

(d) a body which is controlled by the proprietor or by an associate of the proprietor.

(5) in this paragraph —

'Isle of Man newspaper' means a newspaper published and circulating in the Island;

'north-west newspaper' means a newspaper circulating wholly or mainly in the north-west of England;

'UK national newspaper' means a national newspaper circulating in the United Kingdom.

Interests in other services

5. (1) No person who is the holder of a licence under the UK Act to provide —

(a) a Channel 3 service or Channel 5 (within the meaning of Part I of the UK Act), or

(b) a national service or local service (within the meaning of Part III of the UK Act),

shall be a participant with more than a 20 per cent. interest in a body corporate which is the holder of a licence to provide a sound broadcasting service.

(2) No person who is the holder of a licence to provide a sound broadcasting service shall be a participant with more than a 20 per cent. interest in a body corporate which is the holder of a licence under the UK Act to provide a service mentioned in sub-paragraph (1)(a) or (b).

(3) Any restriction on participation imposed by sub-paragraph (1) or (2) on the holder of a licence (including a licence under the UK Act) applies to him as if he and every person connected with him were one person.

Amendment of percentage interest

6. (1) The Council of Ministers may by order amend paragraph 1(i) or (k), 2(1)(e), 4(1) or (2) or 5(1) or (2) by substituting a different percentage for the percentage for the time being specified there.

(2) An order under sub-paragraph (1) shall not have effect unless it is approved by Tynwald.

Interpretation

7. Paragraphs 1, 2 and 3 of Part I of Schedule 2 to the UK Act (restrictions on the holding of licences) apply for the purposes of this Schedule as they apply for the purposes of that Schedule.

15 Appendix Three: Financial Template

Forecasts

Shaded cells are calculated cells

	<u>(STATION NAME)</u>
AUDIENCES	
TSA	0
Reach %	
Year one	0%
Year two	0%
Year three	0%
Reach actual	
Year one	0
Year two	0
Year three	0
Total hours	
Year one	0
Year two	0
Year three	0
REVENUES	
Net local revenue	
Year one	0
Year two	0
Year three	0
Net national revenue	
Year one	0
Year two	0
Year three	0
National sales house (if known)	
Net sponsorship and promotions revenue	
Year one	0
Year two	0
Year three	0
Net broadcasting revenue	
Year one	0
Year two	0
Year three	0
Other revenue	
Year one	0
Year two	0
Year three	0

OPERATIONAL COSTS

Staff costs

Pre operational	0
Year one	0
Year two	0
Year three	0

Premises costs

Pre operational	0
Year one	0
Year two	0
Year three	0

Transmission costs

Pre operational	0
Year one	0
Year two	0
Year three	0

Marketing costs

Pre operational	0
Year one	0
Year two	0
Year three	0

Other Costs

Pre operational	0
Year one	0
Year two	0
Year three	0

Total Costs

Pre operational	0
Year one	0
Year two	0
Year three	0

Profit before tax

Pre operational	0
Year one	0
Year two	0
Year three	0

CASH FLOW

Cash Receipts

Pre operational	0
Year one	0
Year two	0
Year three	0

Cash Expenditure

Pre operational	0
Year one	0
Year two	0
Year three	0

Net cash movement

Pre operational	0
Year one	0
Year two	0
Year three	0

Closing cash balance

Pre operational	0
Year one	0
Year two	0
Year three	0

Initial capital investment

0

INITIAL FUNDING (pre-op and year one)

Share Capital	0
Loan (source)	0
Leasing/HP facilities	0
Overdraft	0
Grants/donations	0
Other	0
Total funding	0

STAFFING

Full time staff

Management	0.0
Sales	0.0
News	0.0
Programming	0.0
Admin	0.0
Other full time staff	0.0
Total full time staff	0.0