

Ten steps to getting a broadcasting licence in the UK

1. To broadcast legally in the UK you must have a broadcasting licence. These are issued by the Office of Communications (Ofcom), the UK regulator.

2. To qualify for a licence some key criteria must be met:
 - i) The applicant for a licence must not be a political body, bankrupt, local authority, advertising agency or religious body (although some religious bodies may hold broadcasting licences subject to certain checks);
 - ii) The applicant for a licence needs to show they are 'established' in the UK*;
 - iii) The applicant must be able to demonstrate to Ofcom that the programme decisions and editorial control are made in the UK;
 - iv) The applicant must show that it has experience and procedures to ensure compliance with the Ofcom and relevant industry Codes.

* In order to grant a licence, the applicant must fall under UK jurisdiction as defined under current European legislation and national law. One of the criteria for granting a TV licence in an EU country is the fact that the service is established in the country where it is seeking to secure a licence. This doesn't mean that the main operation has to be based in that country but there must be an organisational base there that will take responsibility for ensuring that the editorial output of the broadcaster meets Ofcom's Standards Codes.

3. On applying for a licence you must disclose details of directors, shareholders, their involvement with other licensed services and their compliance record.

4. The applicant will need to have staff trained in the relevant industry standards codes including the controls of the amount and scheduling of advertising, editorial standards for programme content, promotions, sponsorship and branded content, cross-promotions and advertising. Details of the experience and training of what is termed "compliance" staff must be provided in the application.

5. The applicant must pay a non-refundable application fee which for a Television Licensable Content Service Licence (TLCS), commonly known as a cable and satellite licence, was £2,500 in the 2010/2011 financial year. Once successful, the licensee

has to pay an annual licence fee calculated on its "Relevant Turnover", with a minimum payment of £1000. Events with limited time-span or locality, such as the Cowes Week, may fall under a Restricted Service Licence.

6. Ofcom requires a UK-based office for its communications, whether relating to complaints, consultations, submission of data e.g. to track production quotas and turnover etc.
7. If the service plans to carry advertising, either short form spot advertising or/and longer form teleshopping windows, the licensee must ensure it has appropriate measures for vetting the advertising against the BCAP Television Advertising Standards Code. Licensees can undertake their own advertising clearance so long as the compliance staff has the relevant knowledge and expertise to fulfil this duty. Complaints about advertising are investigated by the Advertising Standards Authority (ASA), in a co-regulatory arrangement with Ofcom.
8. Application forms and guidance notes on broadcast licensing are available on the regulator's website www.ofcom.org.uk. If you require help in preparing the application you can appoint a UK agent to act on your behalf. This will help ensure that the final application presented to Ofcom is acceptable. If you need help with this, please email info@louisemcmurchie.com.
9. Transfer of a licence requires an application and non-refundable fee to Ofcom, along with similar disclosure and qualification criteria as the licence application.
10. Once licensed and operational, the licensee must retain recordings of its total output on the service for a period of 60 days. On Ofcom's request, it should supply copies of the recording promptly, usually within 5 working days.