



Consultation on the provision of community audio distribution systems

A new service which will share the UK-only Citizens' Band allocation

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Section 1

Summary

Ofcom proposes to allow local religious and community organisations to operate within the UK Citizen Band allocation, to begin with, by licensing a number of such organisations to transmit services in a limited number of pilot areas. These would be called Community Audio Distribution Systems (CADS).

At present, some housebound religious congregation members, who wish to hear local religious community services, are unable to do so. Ofcom is aware that there is demand for this facility; therefore providing a means whereby reasonably priced and readily available equipment can be purchased and used without much technical knowledge for this purpose has been a high priority in its first year.

We are proposing to allow CADS users to share spectrum with the Citizens' Band radio service in a way which will provide the flexibility required to transmit religious and community service material whilst protecting other spectrum users from harmful interference.

Community Audio Distribution Systems would, in practice, constitute simple, short-range and inexpensive wireless public address systems. The evidence of demand for such arrangements has arisen primarily from within religious communities and this is therefore where we expect the majority of use to arise. However, other community groups could also use the arrangements for other similar purposes.

Finally, to test these plans, we are proposing a closely monitored year-long pilot scheme in the areas where interest has been most widespread and sustained: Northern Ireland and West Yorkshire.

Section 2

Background

What is a Community Audio Distribution System?

To date, most of the demand for Community Audio Distribution Systems has come from religious organisations based in Northern Ireland and West Yorkshire. Whilst Ofcom expect most Community Audio Distribution Systems to be used to transmit religious services, it will also be possible to use the service for other non-religious applications as well.

The key characteristics of Community Audio Distribution System services are as follows:

- The service will only be available to a local community of users;
- The service will not operate in traditional broadcasting spectrum and so cannot be received using conventional radio or television broadcast receivers;
- The service will operate on an opportunistic basis and will not be provided exclusive access to any particular frequency;
- The service will only transmit material already prepared for public use such as services and other public events. It is not designed for the transmission of original content (i.e. programmes specifically created for transmission).

Question 1: Do you believe that the Community Audio Distribution System service will be a useful addition to the range of radio services currently available?

Why use Citizens' Band radio spectrum?

During April 1995 there were almost 56,000 Citizens' band radio licences but since then the number of licences has steadily declined to the point where only 20,000 licences were in force during March 2004.

This decline in the number of Citizens' Band licence holders is consistent with Ofcom measurement data which shows that in Leeds, the average channel occupancy in the UK-only¹ Citizens' Band is currently only 2.5%.

On 24 March 2003, the Radiocommunications Agency published a consultation document on proposals to:

- Deregulate Citizens' Band Radio so that the service could be used without the requirement to obtain a WT Act licence;
- Withdraw the UK-only channel allocation on 1 July 2010 leaving the 40 European (CEPT) Citizens' Band channels.

Ofcom regards the Community Audio Distribution System service as an opportunity to improve the usage of this spectrum and the experimental trial² will be used to inform Ofcom's decision-making process. If the Citizens' Band radio service and the Community Audio Distribution System service are able to coexist, Ofcom may decide

¹ Please refer to section 4, Spectrum management.

² Please refer to section 5, Experimental trial.

that the withdrawal of the UK-only channel allocation from the Citizens' Band radio service is not necessary.

Once Ofcom has gained some experience of the ability of the CADS and CB services to share the same spectrum, it is hoped that it will be possible to deregulate the Citizens' Band radio service so that CB users will no longer require a WT Act licence. In the meantime, the WT Act licence will prevent CADS from operating on European (CEPT) Citizens' Band channels.

The use of Citizens' Band radio spectrum will allow Community Audio Distribution System users to benefit from access to low-cost, commercial off-the-shelf equipment. This will help to reduce the equipment costs associated with setting up Community Audio Distribution Systems and, by potentially expanding the total market for CB equipment, will also help to keep equipment costs down for CB users.

Ofcom hopes that the experimental trial will show that CADS users and CB users are able to coexist and share the same spectrum.

Question 2: Do you believe that the UK-only Citizens' Band channel allocation is the right place for the Community Audio Distribution System service?

Question 3: Do you believe that the Citizens' Band radio service and the Community Audio Distribution System service will be able to co-exist and share the same spectrum?

The use of Business Radio

Some religious establishments are currently using On-Site Business Radio licences despite licence conditions (common to all Business Radio licences) that are not well suited to the transmission of religious services. Furthermore, a shortage of spectrum (particularly in urban environments) means that it is often not possible to satisfy the demand for On-Site Business Radio licences.

Whilst it will be possible for these religious establishments to continue to use On-Site Business Radio licences, it is likely that many would migrate to the UK-only Citizens' Band if the Community Audio Distribution System service were to become generally available throughout the UK. This would free up valuable Private Business Radio spectrum.

The use of Sound Broadcasting channels

Ofcom is also promoting a new tier of not-for-profit, small-scale, local radio services, known as Community Radio. These radio licences will permit the provision of a wide range of new broadcasting services throughout the UK. It may be possible for some organisations planning to use a Community Audio Distribution System to consider using Community Radio instead. Whilst this route would allow material to be picked up on conventional radio receivers, legislation requires that Community Radio licences be regulated to a considerably greater extent (such as compliance with the Ofcom Programme Code) than that which is proposed for CADS services. Anyone interested in using Community Radio to deliver their services to a wider audience, via conventional broadcast frequencies, should look at the information on Community Radio on Ofcom's website at:

http://www.ofcom.org.uk/licensing_numbering/radio_sound_broadcasting/community_radio/

The Community Radio service should also be used by those who wish to provide original content (i.e. programmes specifically created for transmission) rather than to transmit an event (such as a religious service) which would be taking place regardless of whether it would be made available to people not physically present.

Section 3

Content

Ofcom is aware that a number of concerns have been raised regarding the possible content of CADS transmissions but have concluded that the majority of users can be expected to behave in a responsible manner. Ofcom therefore propose that Community Audio Distribution Systems should be trialled for one year without any specific rules regarding what constitutes permissible content beyond a general requirement that users comply with the law of the land. This position is consistent with the principle of using the least intrusive regulatory mechanism to achieve policy objectives.

Regardless of whether Ofcom implements any specific content controls, Ofcom has general powers under the Wireless Telegraphy Act 1949 (as amended) to act against the sending of messages which are grossly offensive, indecent, obscene or menacing. The offences against which these powers could be used will apply to Community Audio Distribution Systems.

Ofcom will not monitor the content of Community Audio Distribution System transmissions unless required to do so in relation to a specific complaint.

Following the trial, Ofcom will have the following options:

- To continue to allow CADS to operate without any specific controls on content;
- To recommend a voluntary code of practice;
- To licence the service which would enable us to enforce the law on content;
- To discontinue the Community Audio Distribution System service.

Question 4: Do you believe that Community Audio Distribution Systems should be free to operate without specific controls on content?

Section 4

Spectrum management

The Citizens' Band radio service shares the UK-only channel allocation (between 27.600 MHz and 28.000 MHz) with the Ministry of Defence (the primary spectrum user in this band). Sharing is on the basis that the Citizens' Band radio service must not cause interference to the military radio service and that the Citizens' Band radio service will not receive protection from interference from the military radio service.

The Citizens' Band radio service has co-existed with military mobile services on this basis for many years with no reported cases of interference. Furthermore, the majority of interference complaints from the general public relating to the use of Citizens' Band radio were attributable to the illegal use of high power single-sideband equipment intended for the US market. The number of complaints fell dramatically once the use of frequency modulated Citizens' Band radio equipment was legalised in the UK.

Unlike Citizens' Band radio transmissions, which tend to be brief, two-way conversations, Community Audio Distribution Systems will deliver one-way transmissions which may last for several hours.

In order to provide the capacity to cater for a reasonable number of simultaneous transmissions from within the same community, and to ensure the successful co-existence of Community Audio Distribution Systems with military mobile services, Ofcom propose to restrict the range of these transmissions (probably by means of a transmitter antenna height restriction). This will result in the maximum communications range of Community Audio Distribution Systems being somewhat less than for traditional Citizens' Band use and will greatly reduce the likelihood of impacting upon military communications.

Since Community Audio Distribution Systems will be used to serve a local community of listeners, receiving equipment will always be located in close proximity to the transmitter – this will reduce the probability of interference from military traffic. In the unlikely event of a complaint, Ofcom will not provide Community Audio Distribution Systems with any protection from co-channel interference caused by other legitimate users entitled to use the same spectrum.

Ofcom proposes the following spectrum management measures:

- Community Audio Distribution Systems will make use of the UK Citizens' Band allocation as defined in RA246³. The UK Citizens' Band allocation comprises 40 channels which will therefore be shared between traditional Citizens' Band users and Community Audio Distribution Systems;
- In order to ensure the successful co-existence of Community Audio Distribution Systems with other radio spectrum users, all technical requirements currently applicable to the use of Citizens' Band equipment will apply to Community Audio Distribution Systems;
- In order to provide the capacity to cater for a reasonable number of Community Audio Distribution Systems transmitting simultaneously from

³ A copy of this document is available on Ofcom's website at:
http://www.ofcom.org.uk/static/archive/ra/publication/ra_info/ra246/ra246.htm

within each community, Ofcom proposes to restrict transmitter antenna height so that the maximum communications range of Community Audio Distribution Systems will be somewhat less than for traditional Citizens' Band use. Transmitter antenna height will probably be restricted to 10 metres above street level although Ofcom regional staff may determine the height restriction on a case by case basis during the trial;

- Notwithstanding the outcome of the experimental trial, Ofcom are minded to allow Community Audio Distribution Systems to be exempt from the requirement to hold a Wireless Telegraphy Act licence.

Question 5: Do you believe that Community Audio Distribution systems should be free to operate without the requirement to hold a Wireless Telegraphy Act licence?

Section 5

Experimental trial

Ofcom will conduct a 12 month experimental trial in Leeds, Bradford and Northern Ireland in order to determine:

- The demand for Community Audio Distribution Systems;
- The degree to which a large number of Community Audio Distribution Systems operating in the same area are able to co-exist;
- The degree to which Community Audio Distribution Systems are able to co-exist with Citizens' Band radio users;
- The spectrum management measures required (for example antenna height restrictions) in order to prevent harmful interference to the primary spectrum user, the Ministry of Defence;
- Whether the content of Community Audio Distribution System transmissions had been such that future systems can operate without the need for licences.
- Any other issues identified during either the consultation process or the experimental trial.

To date, the greatest demand for Community Audio Distribution Systems has been from churches in Northern Ireland and from mosques in the Leeds and Bradford area. Ofcom has therefore decided to conduct the experimental trials in these two geographical areas.

The experimental trial will be both time limited and geographically restricted in order to minimise the risk of disrupting the primary spectrum user, the Ministry of Defence. Assuming that the experimental trial is successful and having determined the spectrum management measures required to prevent harmful interference to the primary spectrum user, Ofcom hope to make the Community Audio Distribution System service available throughout the UK.

The experimental trial will be limited to religious establishments wishing to operate Community Audio Distribution Systems. Ofcom has decided to apply this restriction because of the demand for this service from religious establishments and because it would appear that religious establishments are willing to work together to determine appropriate spectrum management measures. During the trial period Ofcom will accept applications from all religious denominations.

Assuming that the experimental trial is successful, Ofcom hopes to make the Community Audio Distribution System service available to all community audio applications.

To take part in the trial you will require a licence which will be issued free of charge. Licence application forms can be obtained from:

Denise Carter
Licensing, Operations
2nd floor
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 020 7981 3061

Please remember that only religious establishments based in either Leeds (LS postcodes), Bradford (BD postcodes) or Northern Ireland (BT postcodes) are eligible for a trials licence.

Question 6: Would you consider operating a Community Audio Distribution System if this service was available throughout the UK?

Section 6

Responding to this consultation

How to respond

Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on Tuesday 19 October 2004**

Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 2), among other things to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.

Please can you send your response to community.audio@ofcom.org.uk

Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Denise Carter
Licensing, Operations
2nd floor
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 020 7981 3061

Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.

It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 3. It would also help if you can explain why you hold your views, and how Ofcom's proposals would impact on you.

Further information

If you have any questions about the issues raised in this consultation, or need advice on the appropriate form of response, please contact Denise Carter on 020 7981 3169.

Confidentiality

Ofcom thinks it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt (when respondents confirm on their response cover sheet that this is acceptable).

All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

Ofcom reserves its power to disclose certain confidential information where this is necessary to fulfil its functions, although in practice it would do so only in limited circumstances.

Please also note that copyright and all other intellectual property in responses will be assumed to be assigned to Ofcom unless specifically retained.

Next steps

Following the end of the consultation period and providing that the response has been positive, Ofcom intends to publish a statement and hopes to begin the experimental trial by Monday 1 November 2004.

Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 1) which it seeks to follow, including on the length of consultations.

If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, whose views are less likely to be obtained in a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, you can contact Philip Rutnam, Partner, Competition and Strategic Resources, who is Ofcom's consultation champion:

Philip Rutnam
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
Tel: 020 7981 3585
Fax: 020 7981 3333
E-mail: philip.rutnam@ofcom.org.uk

Annex 1

Ofcom's consultation principles

Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

1 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

2 We will be clear about who we are consulting, why, on what questions and for how long.

3 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

4 We will normally allow ten weeks for responses to consultations on issues of general interest.

5 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

6 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

7 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 2

Consultation response cover sheet

A2.1 In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, unless we are asked not to.

A2.2 We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.

A2.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to confirm on the response cover sheet that Ofcom can publish their responses upon receipt.

A2.4 We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.

A2.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing

Name/contact details/
job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes

No

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and all intellectual property rights in the response vest with Ofcom. If I have sent my response by email, Ofcom can disregard any standard email text about not disclosing email contents and attachments.

Ofcom can publish my response: on receipt once the consultation ends

Name

Signed (if hard copy)

Annex 3

Consultation questions

Question 1: Do you believe that the Community Audio Distribution System service will be a useful addition to the range of radio services currently available?

Question 2: Do you believe that the UK-only Citizens' Band channel allocation is the right place for the Community Audio Distribution System service?

Question 3: Do you believe that the Citizens' Band radio service and the Community Audio Distribution System service will be able to co-exist and share the same spectrum?

Question 4: Do you believe that Community Audio Distribution Systems should be free to operate without specific controls on content?

Question 5: Do you believe that Community Audio Distribution systems should be free to operate without the requirement to hold a Wireless Telegraphy Act licence?

Question 6: Would you consider operating a Community Audio Distribution System if this service was available throughout the UK?