

Consultation on spectrum licensing for 'Audio distribution systems' at Special Events

Closing date for responses: 9 March 2004

February 2004

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Section 1: Executive summary

The purpose of this consultation is to seek views on the opening of some programme-making spectrum to wider usage in response to demands from operators to be able to deliver audio distribution services at Sporting Events etc. Hitherto, the only opportunity to do this has been via the licensing provisions of the Broadcasting Acts and using spectrum set aside for sound broadcasting purposes.

We believe that it is appropriate to respond to the demand in another way, and offer greater licensing flexibility to operators. However, applicants will still be able to make requests for use of the sound broadcasting spectrum that we will consider under the current Restricted Service Licence Class procedures.

We propose to make available the programme-making spectrum that we have identified for this purpose for an experimental period of one year before deciding whether to move forward on a more permanent basis. During the experimental period, we will consider the range of applications received and the extent to which it is appropriate that applicants should make use of non-broadcasting spectrum through obtaining a Wireless Telegraphy (WT) Act licence and, particularly whether any content issues arise, and if so, whether they would need to be regulated under the terms of a Broadcasting Act licence.

We have also, informally through our Agents, JFMG, sought to ensure that making this spectrum available for new purposes will not adversely affect any existing users of the spectrum. However, this consultation also allows existing users of the spectrum in particular to make their views known.

Section 2: Background

Over recent years there has been a notable increase in requests by event organisers to provide spectrum for activities at the borderline of programme-making and broadcasting. Examples of activities (the list being in no way exhaustive) are below:

- The re-transmission of the referee's communications with linesman (via radio microphones) and players during a football/rugby match to the crowd.
- Relaying studio analysis and TV commentary to the crowd during sporting events.
- The facility to enable simultaneous translations of different languages at large conferences.

The receipt of these relays are restricted to individuals tuning radio receivers they have brought into the area adjusted to the relevant frequency or, to those who have hired/purchased receivers from the ground.

2.1 Current licensing arrangements

It is currently possible to license the above activities. Firstly the radio microphones used are licensed by the JFMG on Ofcom's behalf using programme-making spectrum and WT Act licences. The re-transmission to the crowd however is permitted only via the use of sound broadcasting spectrum through the Restricted Service Licensing (RSL) regime provided under the Broadcasting Act 1990.

2.2 Issues arising from the current regulatory approach

Over recent years there has been a notable increase in requests by event organisers to provide spectrum for activities at the borderline of programme-making and broadcasting. Examples of activities (the list being in no way exhaustive) are below:

- The re-transmission of the referee's communications with linesman (via radio microphones) and players during a football/rugby match to the crowd.
- Relaying studio analysis and TV commentary to the crowd during sporting events.
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The receipt of these relays are restricted to individuals tuning radio receivers they have brought into the area adjusted to the relevant frequency or, to those who have hired/purchased receivers from the ground.

Section 3: Proposal

In order to encourage choice and innovation, Ofcom proposes to continue to permit applicants to apply for RSLs as before but also intend to extend the already existing licence for “Restricted Service Programme Sound Link” to include “Audio distribution systems”.

Ofcom intends to start granting these extended WT Act licences from 10 March 2004 on a one year experimental basis. They will, like all other programme making and special events licences, be issued by the JFMG on Ofcom’s behalf. After the one year experimental period the process will be reviewed.

3.1 Licence details

The main details/definitions and conditions of use that the WT Act licence for an “Audio distribution system” will cover are as follows:

- An Audio Distribution System is an audio relay that originates from a radio microphone to individuals within a defined area, using equipment not readily available to the public.
- The licence will be used for use at sporting events and conferences and any other requests on a case by case basis.
- The frequency Band 60.75 – 62.75 MHz will be made available for these purposes.
- Frequencies will have to be co-ordinated by JFMG so as to be compatible with programme-making use of the same spectrum. Consequently there can be no guarantee of specific frequencies always being available at the same location or for the same type of event.
- Bandwidths will permit mono or stereo transmissions.
- Typical erp will be 0.5 to 1.0 watt.
- Licences will be issued for a maximum duration of five days, however licensees may request multiple time periods. There will be no provision for an annual fixed site licence.

Ofcom acknowledges that 60.75 – 62.75 MHz is already used by programme makers for high powered radio microphones and applicants for “Audio Distribution System” licences will be advised that these other primary users will be given priority when considering requests for new assignments. JFMG reserve the right to refuse a licence application if mainstream services are at risk and where demand for the band is high, and applicants are therefore advised to consult JFMG before undertaking to provide a service at an event. The British Grand Prix and major golf tournaments are instances where this may occur.

Were this proposal to be adopted Ofcom would need to slightly amend the procedural guidelines and other relevant documentation about WT Act licensing (currently published on the Radiocommunications Agency legacy website now referenced under the Ofcom website).

Section 4: Consultation

This document has been published for consultation. The responses of which will be used to shape the final "Audio Distribution System" licensing regime. The consultation is addressed to all organisations and individuals who wish to comment. Ofcom would like respondents to consider:

- whether the introduction of "Audio Distribution System" licences will affect their activities.

Following the consultation period, and if Ofcom decides to implement its proposal, it will make the licence available from 10 March 2004 for a period of one year in order to evaluate the scale and nature of the demand.

We propose to close the consultation after a period of one month. This is shorter than most other Ofcom consultations because operators interested in using the band are keen to begin to use spectrum at a number of events that occur in the early part of the year. Also, we have consulted closely with our agents, JFMG about the current use of the band and the way in which it might be used for this activity without adversely affecting existing licensees' operations. In addition, the JFMG have made contact with the other licensees affected who have indicated informally that this initiative should not affect their access to the band providing the limitations detailed in section 3.1 above are applied.

The closing date for responses to this document is 9 March 2004.

4.1 Contact details

This consultation is being led by the Programme Making & Special Events Section. You can contact them as follows:

- By sending an email to:
pmse@ofcom.org.uk
- By writing to us at:
Programme Making & Special Events
02:123
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA.
- By sending us a fax, marked 'PMSE consultation', on 020 7981 3061.
- By calling 020 7981 3192.

Ofcom will make consultation responses available on its website after the consultation ends. If you would like your responses, in whole or in part, to remain confidential, please make this clear in your submission.

Annex

There are seven principles which we will follow for each 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 10 weeks for responses.
5. Philip Rutnam is currently 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. Philip (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations. He can be contacted 020 7981 3585 or emailed at philip.rutnam@ofcom.org.uk.
Alternatively you can contact the consultation helpline on 020 7981 3003.
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.