



Coimisiún  
na Meán

Section 68

# PILOT COMMUNITY TEMPORARY SOUND BROADCASTING SERVICE

## Guide to Applications

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Coimisiún na Meán (“An Coimisiún”) reserves the right to correct or clarify any part of this *Guide to Applications for a Pilot Community Temporary Sound Broadcasting Service* (“Guide”).

Any such corrections, clarifications or supplementary information will be posted on Coimisiún na Meán’s website, [www.cnam.ie](http://www.cnam.ie)

**Note:** In this Guide “An Coimisiún” refers to the organisation Coimisiún na Meán and “the Commission” refers to the decision-making organ of Coimisiún na Meán comprising a multi-person Commission led by four Commissioners, the Broadcasting and Video-on-Demand, Media Development, Digital Services and Online Safety Commissioners and the Executive Chairperson.

All queries regarding this *Guide* should be emailed to: [contracts@cnam.ie](mailto:contracts@cnam.ie)

**Please note there is a separate guide and application form for applicants applying for a 30-day temporary sound broadcasting service. This guide is for applicants applying for a 100-day pilot community sound broadcasting service.**

**Applicants must use the appropriate application form for the type of service concerned. Applicants will be required to resubmit an application if the incorrect form is used.**

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## 1. INTRODUCTION

Section 68(1)(b) of the [Broadcasting Act 2009](#) as amended (“the 2009 Act”), provides that An Coimisiún may, in any period of 12 months, enter into a sound broadcasting contract with an applicant for the provision of a sound broadcasting service in a specified area for a period of:

if the application is for a community sound broadcasting contract, not more than 100 days (whether consecutive days or otherwise) in that period of 12-months.

An Coimisiún has developed this Guide for persons interested in applying for a temporary sound broadcasting contracts for a community radio service for up to a maximum of 100 days. These temporary contracts are typically awarded on a pilot basis to community groups who have provided temporary sound broadcasting services under a 30-day sound broadcasting contract and who are interested in developing the service further with a view to preparing for a full-time community radio service in the future.

This Guide details the procedures which will be adopted for the application process in respect of the award of a temporary sound broadcasting contract on a pilot community basis and provides guidance in relation to the requirements of the 2009 Act. This Guide also informs applicants of the relevant policies of An Coimisiún to which they should have regard in preparing their application and details the information that should be included in an application.

The Guide does not purport to be exhaustive, and it is recommended that applicants refer to the relevant provisions of the 2009 Act, including, sections 64 and 66 of the 2009 Act to understand the licensing process and the programming and other requirements that applicants must meet when applying for a community sound broadcasting contract that may be advertised by An Coimisiún. When preparing an application, an applicant should also have regard to the applicable policies of An Coimisiún which include the *Broadcasting Services Strategy*, *Community Media Policy*, *Social Benefit Framework* and the *Ownership and Control Policy*. These documents are available online at [www.cnam.ie](http://www.cnam.ie) or on request from An Coimisiún. An Coimisiún’s staff in the Broadcasting Division are also available for consultation in the event of an applicant having queries in relation to the content of this Guide, the application format, or policies.

All queries should be sent to: [contracts@cnam.ie](mailto:contracts@cnam.ie)

Please note the award of any temporary sound broadcasting contract is subject to the Commission for Communications Regulation (ComReg) being in a position to provide a suitable frequency assignment for the proposed service. Applicants should note that due to spectrum constraints, it may not be possible to cater for the proposed number of days, sites and ERP (Effective Radiated Power).

## 2. PROCEDURES FOR THE SUBMISSION OF AN APPLICATION

An application submitted for the award of a temporary sound broadcasting contract on a pilot community basis pursuant to section 68(1)(b) of the 2009 Act must comply with all the requirements set out in this Guide. Failure to fully comply with the published requirements will make the application liable to be disqualified and, thereby, not be considered by the Commission.

## **2.1 Required Format**

The application must be submitted in English or Irish in the *Pilot Community Temporary Sound Broadcasting Service Application Form* available on An Coimisiún's website ("the Application Form"). The proposal must contain all the required information as described in this Guide and in the Form.

## **2.2 Required Documentation**

A completed application form must be submitted with all the required documentation, as outlined in Section 3 of this guide. For the guidance, a checklist of the required documentation is provided in the application form.

Incomplete applications will be returned and cannot be considered.

## **2.3 Submission**

An applicant is required to submit one copy of the application in PDF or Word format to the email address, [contracts@cnam.ie](mailto:contracts@cnam.ie). Applications should ideally be in one document only or be accompanied by no greater than 2 attachments. The application and attachments should not exceed 8MB. The application may be submitted in either Irish or English.

## **2.4 Timeframe for receipt of Applications**

Applications should be submitted, at a minimum, 3 months in advance of the first proposed broadcast date. An Coimisiún will liaise with applicants with respect to the timeframe for the application process and proposed broadcast dates.

## **2.5 Freedom of Information**

As a public body, An Coimisiún is subject to the Freedom of Information Act 2014 ("FOI Act"). Information may be made available to the public further to requests under the FOI Act. Applicants should clearly identify any information that they consider is commercially sensitive, confidential, or otherwise exempt from the FOI Act and this information should be set out in a separate 'Confidential Annex' to the application. An Coimisiún will consult with an applicant about the publication of any information before making a decision on any Freedom of Information request received.

## **2.6 Data Protection**

An Coimisiún shall comply with its obligations under the GDPR Directive, Data Protection Act 2018 and any other applicable data privacy laws and regulations. An Coimisiún has an appointed Data Protection Liaison Officer who is registered with the Data Protection Commission. You can find out more about how An Coimisiún processes personal information and An Coimisiún's related policies at [Data Protection \(cnam.ie\)](https://www.cnam.ie/Data-Protection)

## **Third Party Agreements:**

Any agreements between An Coimisiún and interested parties regarding confidential and/or commercially sensitive information are without prejudice to Coimisiún na Meán obligations under law, under the 2009 Act and the Freedom of Information Act. An Coimisiún therefore cannot warrant that information claimed as confidential by an interested party or treated as such might not be disclosed pursuant to law.

### 3. REQUIRED DOCUMENTATION

In order for an application to be considered complete, the following documentation must be submitted to the Coimisiún na Meán by emailing [contracts@cnam.ie](mailto:contracts@cnam.ie)

#### 3.1 Completed Application Form

The application must be submitted using the *Pilot Community Temporary Sound Broadcasting Service Application Form*, available on [www.cnam.ie](http://www.cnam.ie)

All the information requested on the form must be submitted.

#### 3.2 Certificate of Incorporation

An applicant for Pilot Community Temporary Sound Broadcasting Contract must be a legal entity, that is a registered company or co-operative society. An Coimisiún will not enter into a temporary sound broadcasting contract with an individual or group of individuals. Interested parties may wish to seek information on how to establish themselves as a legal entity by contacting relevant bodies such as the Companies Registration Office, or the Irish Cooperative Organisation Society.

Further to Section 64 of the 2009 Act, and An Coimisiún's *Community Media Policy*, applicants should be established on a not-for-profit basis.

#### 3.3 Constitution, Co-operative Society Rules or Equivalent

An applicant must submit a copy of its Constitution, Society's Rules, or equivalent. Please note if an applicant is a company, its Constitution is required to reflect the provisions of the Companies Act 2014. Applicants should ensure that previous Memoranda and Articles of Association have been updated to a Constitution and are compliant with the provisions of the Companies Act 2014.

#### 3.4 Secretary's Certificate

This document sets out the ownership and control structure of the applicant, including, the registered address, names and addresses of the Board of Directors or members of the Committee of Management, the name and address of the Secretary, the proposed Compliance Officer, and categories of membership.

Template Secretary Certificates for both a company limited by guarantee without share capital and a cooperative society are provided as Appendices to the Pilot Community Temporary Sound Broadcasting Service Application Form. Applicants should complete the appropriate template depending on the type of entity established, e.g.: company or cooperative, and modify as necessary.

#### 3.5 Indicative Programme Schedule

The proposed Programme Schedule for the service should reflect the programming commitments the Applicant has set out in its application form. Please note, the Programme Schedule will be considered with reference to how the programming commitments set out in the application form are being met and how diversity of programming is being served for the community concerned. At a minimum, the indicative programme schedule should provide details of the proposed hours of broadcasting and programme descriptors.

### **3.6 Map of Franchise Area**

A map outlining the proposed franchise area, labelled to clearly show the location of the proposed transmitter site. Temporary sound broadcasting services generally have a franchise area of approximately 8km.

### **3.7 Studios**

Detailed studios drawings detailing circulation requirements, floor plan and compliance with accessibility requirements as detailed in Annex 1 of this Guide should be submitted.

### **3.8 Quote for Insurance**

An applicant must have an appropriate insurance policy in place for the operation of the service. This policy must include libel insurance cover and Coimisiún na Meán must specifically be indemnified under this policy. A copy of the proposed quote must be included with the application. Proof of the final policy for the on-air dates must be provided in advance of concluding contract negotiations.

- The policy must specifically state that Coimisiún na Meán is indemnified under the policy; and
- The policy must include libel; public liability; and employer's liability policy cover.

The insurance period must cover the entire duration of the radio service.

### **3.9 Financial**

Applicants are required to submit the following documents:

- Audited financial accounts for the previous financial year.
- Income and expenditure account/management accounts from the end of the previous financial year end to the end of the month immediately preceding the date of application.

## **4. ASSESSMENT OF APPLICATIONS**

### **4.1 Stage One: Preliminary**

Once submitted, an application will be reviewed by An Coimisiún's staff to ensure that it is complete. In order to pass Stage 1, An Coimisiún must be satisfied that:

- that the appropriate application form has been used and all the requested information has been provided;
- that the required documentation has been submitted;
- that the applicant is compliant with the policy of An Coimisiún and section 62 of the 2009 Act, in relation to submissions from former unlicensed operators; and
- that the applicant's proposed broadcasting dates comply with the time limits set out in Section 68(1) of the 2009 Act.

## 4.2 Stage Two: Staff Assessment

During this stage the application will be reviewed by Coimisiún na Meán's staff to ensure it contains sufficient information to enable An Coimisiún to conduct an assessment in accordance with the relevant provisions of the 2009 Act.

Explanatory information concerning the Stage 2 qualitative assessment under each section of the application form is set out below.

## 5. INFORMATION FOR APPLICANTS

### 5.1 Applicant Details

This section should set out the name of the applicant, its status as a legal entity and the proposed broadcast dates. This section should also clarify whether the applicant has previously operated a temporary or pilot community service under a contract with An Coimisiún.

### 5.2 Ownership and Control

This section relates to the ownership and control structure of the Applicant and requests information on the governing body/Executive Organ and members of the applicant. This section also requests details regarding governance and day-to-day management and operation. Relevant provisions of the 2009 Act, and An Coimisiún policies are taken into consideration when assessing the information in this section.

The assessment will have regard to the following:

- The character, expertise and experience of the applicant, including its directors, manager, secretary;
- The composition of the applicant's Executive Organ;<sup>1</sup>

In accordance with the *Community Media Policy*, and the terms of any temporary sound broadcasting contract for a pilot community service, the Executive Organ of an Applicant / Contractor shall not consist of 60% or more of its membership, of either men or women. Applicants should ensure the gender balance of the Board and / or Committee of Management and any other subcommittees is compliant with this requirement.

- The applicant's membership structure and whether this structure is representative and accountable to the community concerned, and facilitates access to all members of the community;
- The applicant's proposed management and operational structure and how this structure will facilitate the participation of members of the community in all aspects of the service (i.e. volunteers, programming etc.);

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<sup>1</sup> Board of Directors, Committee of Management or other governing body.



- How the service will be operated, including the number of paid staff or active members and/ or volunteers in place; and
- The performance and contractual compliance of the applicant under any previous broadcasting contract held by the applicant.

### 5.3 Programming

This section relates to the programming commitments the applicant is willing to make in respect of key aspects of the proposed service. Should the applicant be successful, these commitments will ultimately form part of a Programme Policy Statement in a contract, negotiated with Coimisiún na Meán. The Programme Policy Statement will serve as a yardstick against which the successful applicant's future performance is measured and/or requested changes to the programme schedule of the Applicant assessed.

Relevant provisions of the 2009 Act and Coimisiún na Meán policies, for example the *Community Media Policy* are taken into consideration when assessing the information submitted in this section of the application. The assessment will have regard to the following:

- the applicant's proposed programming strategy and proposals for the further development and production of programming;
- the applicant's approach to increasing active participation by the community in the development, production and broadcast of programming;
- the quality, type and range of speech and music programming proposed including programming in (i) news and current affairs; (ii) Irish language; and (ii) relating to Irish culture;
- the extent to which the service proposed adds to the diversity of services in the area, serves recognisably local communities and is supported by the various interests in the community, or serves communities of interest;<sup>2</sup>
- the performance and contractual compliance of the applicant under any previous broadcasting contract held by the applicant.

### 5.5 Social Benefit

The applicant should pay specific regard to the six core Indicators of Social Benefit detailed in the Social Benefit Framework, namely:

1. Individuals, especially minorities and those marginalised, are growing in confidence and creativity and/ or reinforcing a sense of belonging, directly from engaging with the Station.
2. Individuals are enhancing their employment prospects through gaining skills and confidence reinforcing community identify.
3. Community members are informed and aware of what is happening around their community.
4. Community members are responding more effectively to issues—local to global— because they have access to diverse viewpoints and to more and better information.

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<sup>2</sup> Please note Temporary or Pilot Community Broadcasters are not obliged to meet the statutory news and current affairs requirements. However, Pilot Community Applicants should note that, compliance with this requirement is mandatory for all established sound broadcasters, with a full-time licence. As such development of news and current affairs programming is considered necessary for pilot community services.

5. Collective actors (CBOs, NGOs etc.) are facilitated and reinforced in their capacity to achieve their goals.
6. The community sense of identity and cohesiveness is enhanced through interaction and collective action.

In order to demonstrate Social Benefit, please supply examples on a maximum of three (3) out of the six (6) Social Benefits as listed in the Social Benefit Framework and insert the information into the relevant section of the Application Form. The Social Benefits listed in the application should follow the S.M.A.R.T model and should be measurable as performance metrics over a set period of time. The Social Benefit aspects will form part of the scoring matrix.

## **5.6 Spectrum, Studios and Transmission**

**Approval of applications is subject to the Commission for Communications Regulation (ComReg) being in a position to provide a suitable frequency assignment for the proposed service.**

Relevant provisions of the 2009 Act and Coimisiún na Meán policies, for example the *Community Media Policy*, are taken into consideration when assessing the information in this section. The assessment will have regard to the following:

- The availability of spectrum to facilitate the transmission of the service on the FM band;
- The timeframe for the commencement of transmission;
- The adequacy of studio and transmission facilities;
- Detailed studios drawings detailing circulation requirements, floor plan and compliance with accessibility requirements as detailed in Annex 1 of this Guide should be submitted.
- The suitability of transmission proposals; and
- The performance and contractual compliance of the applicant under any previous broadcasting contract held by the applicant.

## **5.7 Financial and Business Plan**

An Coimisiún will consider the adequacy of the financial resources available to the applicant to further develop and operate the service over a longer period of time. This assessment takes into consideration the type of service for which the applicant is applying, a pilot community temporary sound broadcasting service. The assessment will have regard to the following:

- the adequacy of the financial resources available to the applicant to operate and further develop the service;
- The applicant's funding and income proposals, including the sources and levels of funding / income from each source;
- The applicant's projected expenditure for the service, including the type and level of costs involved;
- The performance and contractual compliance of the applicant under any previous broadcasting contract held by the applicant.

Following the review of the application under Stage 1 and Stage 2, An Coimisiún's staff will determine whether or not to recommend the application to the Commission<sup>3</sup> for consideration.

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- If the application is recommended, it will move on to stage three.
- If the application is not recommended the applicant will be advised and provided with the reasons why the application was not recommended.

### **Stage Three: Decision-Making Process**

Should the applicant be deemed to have satisfactorily completed Stage Two, the Commission will make its decision on whether to award a pilot community sound broadcasting contract by following the decision-making process outlined below:

1. An initial evaluation will be presented by An Coimisiún's staff to the members of the Commission. The Commission will consider the proposal submitted and an evaluation report of the proposal prepared by An Coimisiún's staff. The evaluation report will be structured using the headings set out in Section 5 of this Guide.
2. If the Commission considers that there are any issues requiring clarification and/or if they require any further information from the Incumbent, then such information may be sought in writing and/or meetings with An Coimisiún's staff.
3. Following any necessary meeting(s) and/or response(s) to supplementary written questions, the Commission will make its decision on the award of the contract.
4. Alternatively, the Commission may decide not to award a contract and applicants will be provided with reasons for the decision.

An Coimisiún will endeavour to complete its evaluation of the Incumbent's proposal within 60 days of the receipt of a complete application.

## **6. CONTRACT AWARD**

The award of a temporary sound broadcasting contract for a pilot community service will be subject to the successful applicant agreeing and signing the proposed contract which contains terms and conditions as determined by An Coimisiún. An applicant should note that the Commission's decision to award a temporary sound broadcasting contract is made in principle and subject to the successful conclusion of contract negotiations and any other conditions An Coimisiún may wish to attach to the award.

Applicants should note that the Schedules to such a contract contain information in relation to the ownership and control of the applicant and programming and will be largely determined by the information, commitments and undertakings contained in the successful application. Thus, the details of the ownership and control structure, the programming commitments and indicative programme schedule and the transmission and studios will ordinarily be transposed from the successful application.

Further to the signing of a contract, such a contract will be open to inspection by members of the public at the offices of An Coimisiún.<sup>4</sup>

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<sup>4</sup> Section 69(5) of the 2009 Act.

Should a successful applicant fail to agree to, or fulfil any conditions sought by An Coimisiún within the requested timeframe, contract negotiations will not be concluded and An Coimisiún may decline to enter into a temporary sound broadcasting contract for a pilot community service.

**Changes in Composition, Service or Information**

An Coimisiún reserves the right to revoke a temporary sound broadcasting contract for a pilot community service after it has been awarded or granted if changes take place which materially alter the nature or characteristics of the applicant or the service proposed or the truth, validity or accuracy of the information provided by the applicant and where such changes may have affected the decision to award the sound broadcasting contract had those changes occurred before the award was made.

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## Annex 1: Studios

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### **Floor Plan**

The studio must comply with Part M of the Building Regulations which specify the requirements on disability access and use. The applicant must provide details on building access, circulation space within the building, and facilities such as the disabled toilet. These details should include a floor plan with all relevant dimensions, including details on technical facilities, news, office and administration areas, and acoustic treatments.

Please note that the studio layout, equipment and studio worktop heights should be designed to facilitate full access and use by all without the need for temporary structures. The drawing should include an overlay of all studio and office furniture and include the dimensions of all door openings, corridor widths and circulation and movements areas around studio and office furniture. The drawings should clearly demonstrate compliance and understanding of building regulations, in particular Part M and the *Buildings for Everyone Guidelines*, published by the National Disability Authority and available on the Coimisiún na Meán website at the following link. [Disability Access Guidelines for Community and Pilot Community Radio](#). Studios must also be designed and built to meet the studio circulation requirements set out in Annex 1 of the relevant application form.

### **Confirmation of Controlled Access and Soundproofing**

The on-air studios of Pilot Community stations must have controlled access and must meet industry standards on soundproofing. The applicant must provide information on how access to on-air studios is controlled and provide confirmation that soundproofing to industry standards has been implemented.

## Studio Circulation Requirements

Figure 2 shows the important dimensions for accessibility purposes in a typical studio. The minimum and recommended values of A, B & C are as follows.

The minimum values of A & B are 750mm.

A & B should be at least 1.2m.

If either A or B are less than 1.2m then a 1.5m turning circle is required at the presenter's position behind the desk.

The minimum value of C is 1.2m.

Ideally there should be a 1.5m turning circle in front of the desk.

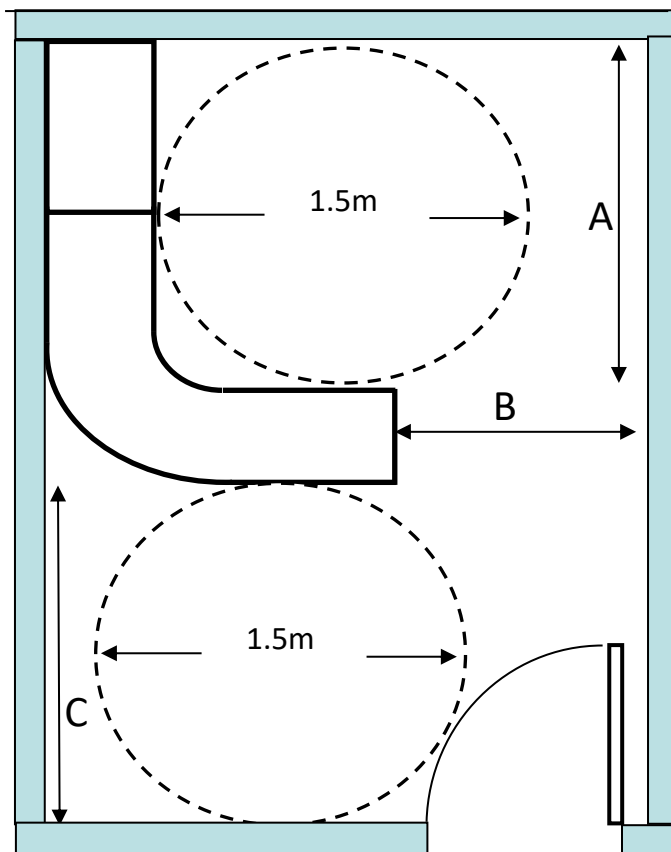


Figure 2: Studio circulation requirements

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