



GUIDE TO SUBMISSIONS

PROVISION OF A
[FORMAT]
SOUND BROADCASTING SERVICE
FOR

[Area]



The Broadcasting Authority of Ireland (“the BAI”) reserves the right to correct or clarify any part of this *Guide to Submissions for the Provision of a [Format] Sound Broadcasting Service for Area* (“Guide”).

Any such corrections, clarifications or supplementary information will be posted on the BAI's website, www.bai.ie

All queries regarding this *Guide* should be emailed to:

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1. INTRODUCTION

Pursuant to section 65(8), on **X DATE**, the Broadcasting Authority of Ireland (“BAI”) invited, by public notice on the website of the Broadcasting Authority of Ireland and in a **local/national newspaper**, applications for a sound broadcasting contract for the provision of a **[TYPE OF SERVICE]** for **[AREA]**.

This Guide details the procedures which will be adopted for the application process in respect of the award of the advertised sound broadcasting contract, provides guidance to applicants on the requirements of the Broadcasting Act 2009 (“the 2009 Act”) and identifies the relevant policies of the BAI and details the information which should be included in an application. The Guide does not purport to be exhaustive and potential applicants should have regard to the provisions of the 2009 Act, in particular, to section 66 thereof which includes matters to which the Contract Awards Committee of the BAI must have regard to in determining applications for the award of contract, as well as section 69, which sets out certain contractual conditions that may be imposed on a successful applicant¹. Applicants should also have regard to, *inter alia*, the *BAI’s Broadcasting Services Strategy*, the *BAI Licensing Plan (2015)* and the *BAI Ownership & Control Policy (2012)* and the objectives and requirements set out therein when preparing an application. These documents are available on request from the BAI and are available online at www.bai.ie. The Executive staff of the BAI are also available for consultation in the event of potential applicants having any queries in relation to the content of this Guide or the application format herein.

Please note that all applications submitted will be made publicly available after the closing date for the submission of the applications.

Any queries on the licensing process should be addressed to Jill Caulfield at the e-mail address: licensing@bai.ie

¹ The proposed sound broadcasting contract for a commercial sound broadcasting service is available from the BAI or online at www.bai.ie.



2. PROCEDURES FOR THE SUBMISSION OF AN APPLICATION

All applications submitted for the award of a sound broadcasting contract for [AREA] pursuant to section 65(8) of the 2009 Act must comply with all of the requirements set out in this Guide, and in the published Invitation to Apply for the sound broadcasting contract. Failure to fully comply with the published requirements will make the application liable to be disqualified and, thereby, to not be further considered by the Contract Awards Committee (“the Committee”) pursuant to section 66 of the Broadcasting Act, 2009.

- 2.1 Format:** The application must comply **strictly** with the application format in section 4 of this Guide and contain **all** of the information required therein.
- 2.2 Presentation:** The application must be typed in letter quality type-face or printed and presented in an **A4** format. It must be bound, by comb or wire, between covers and all pages must be clearly numbered.
- 2.3 Submission:** Applicants are required to submit fourteen (14) copies of the application (including fourteen (14) copies of any demo material) as well as one electronic copy of the same application, in PDF format not exceeding 8MB, for publication on the BAI’s website. The application may be submitted in either Irish or English but at least one copy of all material should be submitted in English.
- 2.4 Verification of information:** All information submitted as part of an application for a sound broadcasting contract must be true and correct. You are required to include with your application a declaration by a suitable authorised person that the information contained in the application and in the additional documentation accompanying the application is true and correct to the best of that person’s knowledge and belief. Should any amendments need to be made by any applicant to the Application or its accompanying documents, the Committee should be informed immediately. No material alterations will be permitted to the proposals in the Application without the consent of the Committee and the Committee will not agree to any such amendments where it considers that it would be unfair to any other applicant for the relevant sound broadcasting contract to permit such amendments.
- 2.5 Publication:** Applications will be made available for public inspection at the offices of the BAI and on its website after the closing date for the submission of the applications.
- 2.6 Closing Date:** The application and all copies thereof must be submitted to the BAI at its offices at 2-5 Warrington Place, Dublin 02 XP29 by **12 noon on x date**.
- 2.7 Confidential Material:** Information which an applicant considers to be confidential must be presented in an annex to the application which is clearly marked “confidential”. The applicant’s reasons for believing that the public should not have access to the material in question must be outlined in a separate covering letter.

Where the BAI believes that material that an applicant has placed in a confidential annex should be made available for inspection, it will enter into discussions with the applicant with a view to reaching an agreement as to the extent of disclosure. If an agreement cannot be reached, within a reasonable period having regard to the BAI’s timeframe, the BAI will treat the relevant information as having been withdrawn and consider the remainder of the application as being the submission from that applicant.



Each applicant shall be responsible for providing the BAI with such authorisations, waivers and/or indemnities as it may reasonably require in connection with the disclosure to members of the public of material contained in his or her application.

- 2.8 Competition Act, 2002:** Applicants should also be aware of the terms of the Co-operation Agreement between the BAI and the Competition Authority, concluded further to the provisions of Section 34 of the Competition Act 2002.² The said agreement makes provision for the disclosure of information, by the BAI to the Competition Authority, in certain circumstances.
- 2.9 Freedom of Information:** Information may be made available to the public further to requests under the Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act, 2003. The BAI will consult with the interested party about the publication of any information treated as confidential at the time of submission, before making a decision on any Freedom of Information request received.
- 2.10 Third Party Agreements:** Any agreements between the BAI and interested parties regarding confidential and/or commercially sensitive information are without prejudice to the BAI's obligations under law, under the Broadcasting Act 2009 and the Freedom of Information Acts. The BAI therefore cannot warrant that information claimed as confidential by an interested party or treated as such might not be disclosed pursuant to law.

Please note that: -

- ***The application must strictly comply with format in section 4 of this Guide and contain all of the information required therein.***
- ***Applicants are strongly encouraged to include all the key information in the application and any detailed back-up information in appendices. Appendices should be clearly numbered, cross-referenced and saved in a single PDF document no greater than 8MB in size.***
- ***The BAI encourages the submission of applications which are clear, concise and simple in layout and style.***
- ***The BAI discourages the submission of unrequested graphics and insignia. Please do not include any photos, pictures and/or station identity material in the mainstay of the proposal. If such material is considered necessary, it should be submitted in a separate appendix.***
- ***The application should not include any letters of support.***

² A copy of the Agreement is available on the BAI's website at: www.bai.ie.



3. INFORMATION FOR APPLICANTS

3.1 Statutory and Policy Framework

The 2009 Act sets the statutory framework for the licensing and regulation of additional television and radio broadcasting services on a variety of platforms, including FM and AM radio bands, Digital Terrestrial Television and Sound Multiplexes and for the development of codes and rules. The Applicant should have regard to the provisions of section 66, in particular, subsections 66(2), 66(3) and 66(4) thereof and section 69 of the 2009 Act, the proposed sound broadcasting contract for the [Area], the BAI policy documents including the *BAI's Broadcasting Services Strategy*, the *BAI Licensing Plan (2015)*, the *BAI Ownership and Control Policy (2012)* and the BAI codes/rules pertaining to programming and commercial communications content.

The Applicant is expected to provide sufficient information in its application to demonstrate how it can satisfy the requirements and objectives of the 2009 Act and relevant BAI policies and codes/rules. The BAI not only invites applicants to commit to meeting the minimum requirements but also to commit to exceed them.

3.2 The Specified Area

INSERT DETAILS

3.3 Evaluation of Applications

Section 66, subsections (2), (3) and (4) of the 2009 Act specifies the criteria ("Statutory Criteria") to which the Contract Awards Committee ("Committee") shall have regard in determining the most suitable applicant, if any, for the award of the sound broadcasting contract.

For the guidance of applicants, the Committee has grouped the Statutory Criteria under four headings: (1) ownership and control; (2) programming; (3) studios and transmission; and, (4) market analysis & financial & business plan. The Committee's evaluation of each application will be under these headings with reference to the Statutory Criteria.



3.3.1 Ownership and Control

The relevant provisions under Section 66 of the 2009 Act in respect of the ownership and control structure of an applicant are as follows:

- Section 66(2)(a): the character, expertise and experience of the applicant or, if the applicant is a body corporate, the character expertise and experience of the body and its directors, manager, secretary or other similar officer and its members and the persons entitled to the beneficial ownership of its shares,
- Section 66(2)(g): the desirability of allowing any person, or group of persons, to have control of, or substantial interest in, an undue number of sound broadcasting services in respect of which a sound broadcasting contract has been awarded under this Part (Part 6 of the 2009 Act),
- Section 66(2)(h): the desirability of allowing any person, or group of persons, to have control of, or substantial interest in, an undue number of sound broadcasting services in the area specified in the notice;
- Section 66(2)(i): the desirability of allowing any person, or group of persons, to have control of, or substantial interest in, an undue amount of the communications media in the area specified by the notice;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) the composition of the applicant's Board of Directors;
- (ii) the applicant's proposed shareholding structure;
- (iii) the applicant's proposed management structure; and
- (iv) the track record if a previous and/or a current holder of a sound broadcasting contract.

3.3.2 Programming

The relevant provisions under Section 66 of the 2009 Act in respect of programming are as follows:

- Section 66(2)(c): the quality, type and range of programming proposed to be provided by each applicant or, if there is only one applicant, by that applicant;
- Section 66(2)(d): the quantity, quality, type and range of programmes in the Irish language and the extent of programmes relating to Irish culture proposed to be provided;
- Section 66(2)(e): the extent to which the applicant will create within the proposed broadcasting service new opportunities for talent in music, drama and entertainment and in particular, in respect of Irish culture;
- Section 66(2)(f): the desirability of having a diversity of services in the franchise area



- Section 66(2)(j): the extent to which the service proposed –
 - (i) serves recognisably local communities and is supported by the various interests in the community, or
 - (ii) serves communities of interest;
- Section 66(3): in considering the suitability of an applicant for the award of a sound broadcasting contract to provide a sound broadcasting service in respect of an area which includes a Gaeltacht area, the Contract Awards Committee shall have regard to the continuance and advancement as a spoken language of the Irish language;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee.

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) the applicant's proposed Broadcasting Philosophy;
- (ii) the applicant's proposed Programme Policy Statement;
- (iii) the applicant's proposed Programme Schedule;
- (iv) the track record if a previous and/or a current holder of a sound broadcasting contract.

3.3.3 Studios and Transmission

Section 66 of the 2009 Act does not specify requirements in relation to an applicant's studio and transmission facilities. The Committee considers the development and maintenance of appropriate studio and transmission facilities to be a matter necessary to secure the orderly development of broadcasting services.

The relevant provisions under Section 66 of the 2009 Act in respect of studios and transmission are, accordingly, as follows:

- Section 66(2)(k): any other matters which the Contract Awards Committee considers to be necessary to secure the orderly development of broadcasting services;

- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee.

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) timeframe for the commencement of transmission;
- (ii) adequacy of studio and transmission facilities;
- (iii) suitability of transmission proposals; and
- (iv) track record if a previous and/or a current holder of a sound broadcasting contract.



3.3.4 Market Analysis and Financial and Business Plans

The relevant provisions under Section 66 of the 2009 Act in respect of market analysis and financial and business plans are as follows:

- Section 66(2)(b): the adequacy of financial resources available to the applicant and the extent to which the application accords with good business and economic principles;
- Section 66(2)(k): any other matters which the Contract Awards Committee considers to be necessary to secure the orderly development of sound broadcasting services;
- Section 66(4): the overall quality of performance of the applicant under any previous broadcasting contract held by him or her at, or before, the date of making an application and reports of the Compliance Committee

These criteria will be applied in assessing the applicant's proposals, *inter alia*, under the following:

- (i) The applicant's **analysis of the marketplace**, including:
 - (a) the existing marketplace;
 - (b) the demand and potential for the type of service proposed;
 - (c) the anticipated performance in terms of listenership and advertising revenue of the service proposed; and
 - (d) the strategies to be put in place for achieving the anticipated listenership and revenue targets.
- (ii) The applicant's **financial & business plan**, including:
 - (a) overall financial strategy;
 - (b) investment proposal/s;
 - (c) sources of funding and expenditure; and
 - (d) financial projections.
- (iii) The **staffing structure** of the applicant, including:
 - (a) the number of staff, their status (e.g. full-time, contract etc) and salary scales;
 - (b) the proposed staffing structure in diagrammatic form;
 - (c) the applicant's industrial relations policy;
 - (d) the applicant's staff training and development policy; and,
 - (e) any staff remuneration and benefit schemes including pay agreements, pensions, share options etc.
- (iv) The applicant's track record if a previous and/or a current holder of a sound broadcasting contract.



3.4 Scoring Matrix

Section 65, subsections (10), (11) and (12) of the 2009 Act provides the statutory framework for the consideration and scoring of applications by the Committee:-

(10) In considering applications for the award of a sound broadcasting contract the Contract Awards Committee shall determine applications in accordance with section 66 and assign a score to each, or a combination of, the criteria specified in section 66(2) and the Contract Awards Committee shall inform each person who has indicated his or her intention of being an applicant for a contract of such assignment.

(11) The Contract Awards Committee shall in reaching a decision as to the award of a sound broadcasting contract assign an agreed score to each of the application received in accordance with subsection (10).

(12) The Contract Awards Committee's view on an assignment of a score under subsection (11) shall be determined by a majority of the votes of the Contract Awards Committee.

The Committee believes that some criteria are of greater importance to the achievement of the relevant legislative and policy objectives than others and so some criteria will carry more weight than others in the evaluation process. Thus, as can be seen from the table overleaf, a criterion with a weighting of eight (8) is considered more important than a criterion with a weighting of six (6) which, in turn is considered more important than a criterion with a weighting of four (4) and so forth.

The Applicant should note that if they do not achieve a minimum of fifty percent (50%) of the available score under each applicable criterion³, they will not be eligible for the award of the sound broadcasting contract.

INSERT SCORING MATRIX

³Where an applicant does not currently and has not previously provided a sound broadcasting service under any broadcasting contract, the "overall quality of performance" or "track-record" criteria under section 66(4) of the 2009 Act will be disregarded in calculating whether the applicant has achieved a minimum of fifty percent (50%) of the available score under each criterion.

Where an applicant currently provides or has previously provided a sound broadcasting service under a "full" or "non-temporary" broadcasting contract, the "overall quality of performance" or "track-record" criteria will be assessed and scored by reference to a maximum available score of 40 (comprising of a maximum score of 10 upon each of the four subject categories) and a minimum score of 20 is required to be achieved in order for the application to be eligible for the award of the relevant sound broadcasting contract under this criteria.

Where an applicant only currently holds or has only previously held a 100 day pilot community sound broadcasting contract, a maximum score of 12 may be awarded for the "overall quality of performance" or "track-record" criteria under section 64(4) (comprising of a maximum score of 6 for each of the two subject categories Ownership & Control and Programming) and an applicant is only required to achieve 50% of this reduced available maximum score (a minimum overall score of 6) in order to be eligible for the contract award under this criteria.

Where an applicant only holds or has only previously held a 30 day temporary sound broadcasting contract, a maximum score of 6 is available to be awarded for the "overall quality of performance" or "track-record" criteria under section 64(4) (comprising of a maximum score of 3 for each of the two subject categories Ownership & Control and Programming) and the applicant is only required to achieve 50% of this reduced available maximum score (a minimum overall score of 3) in order to be eligible for the award of the relevant sound broadcasting contract under this criteria.



3.5 Decision Making Process

All applications submitted for the award of a sound broadcasting contract for [AREA] pursuant to section 65(8) of the 2009 Act must comply with all of the requirements set out in this Guide to Submissions, and in the published Invitation to Apply for the sound broadcasting contract. Failure to fully comply with the published requirements will make the application liable to be disqualified and thereby to not be further considered by the Contract Awards Committee pursuant to section 66 of the Broadcasting Act, 2009.

The following procedure will be followed by the Committee in determining the most suitable applicant, if any, for the award of the sound broadcasting contract:-

- 3.5.1** An initial evaluation will be made of the qualifying applications by Members of the Committee. This will include consideration of the application submitted and an evaluation of the application prepared by the Executive. The Evaluation will be structured using the headings set out in section 3.3 *Evaluation of Applications* of this Guide and will highlight issues of relevance with reference to the statutory criteria set out in Section 66.
- 3.5.2** If the Committee members consider that there are any issues requiring clarifications and/or if they require any further information from an applicant, then such information may be sought by either or both:
 - **Supplementary Questions:** The Applicant/s may be requested to complete a list of supplementary questions by the Committee to address queries or to provide clarification on any aspect(s) of an application. Written responses to any such queries will be publicly available, on the same basis as the written application.
 - **Oral Presentations:** The Committee may request that Applicants make an oral presentation of their proposals for the sound broadcasting service the subject of the contract award which presentations may be made publicly or in private. The purpose of such oral presentations will be to allow the provision of further information in respect of the proposals made in the Application in order to assist the Committee in considering the viability and merits of the relevant Applications.
- 3.5.3** Following any requested oral presentations and/or responses to supplementary written questions deemed appropriate by the Committee, the members of the Committee, following collegiate discussion, will score the application under each of the statutory criteria set out in the Scoring Matrix **at section 3.4 of this Guide.**
- 3.5.4** The Committee's view on an assignment of a score shall be determined by a majority of the votes of the Members.
- 3.5.5** If an application does not achieve a qualifying score under each criterion, the Committee shall exclude the application from the application process. If none of the applications achieves a qualifying score under each of the statutory criteria, the Committee shall conclude the licensing process.



- 3.5.6** The application that receives a qualifying score under each criterion and the highest overall score will be deemed the most suitable applicant for the award of the sound broadcasting contract and the Committee may recommend that the Authority enter into a sound broadcasting contract with the most suitable Applicant. The Authority will specify such terms and conditions as it thinks appropriate to be included within any such sound broadcasting contract.
- 3.5.7** The Committee shall notify an unsuccessful applicant of the reasons for the decision to refuse to recommend the award of a sound broadcasting contract to him or her, the applicant's score and the score of the successful applicant.

3.6 Contract Award

The award of a sound broadcasting contract will be subject to the successful applicant agreeing and signing the proposed sound broadcasting contract which contains the terms and conditions as determined by the BAI. Upon selection of the most suitable applicant for the relevant sound broadcasting contract, the Committee may require the successful applicant to agree detailed terms and conditions for inclusion in the sound broadcasting contract which the Authority may think appropriate to specify pursuant to section 69 of the 2009 Act. Should a successful applicant fail to agree to or fulfil any terms or conditions sought by the Committee within such a time-frame as specified by the Committee, the Committee may decline to make any recommendation to the Authority to enter into a sound broadcasting contract pursuant to section 65(8) of the 2009 Act with respect to that licensing award round.

The successful applicant will also be required to agree and to sign such sound broadcasting contract as may be determined by the Authority pursuant to section 69 of the 2009 Act. A copy of the proposed sound broadcasting contract is available on the BAI's website or on request from the offices of the BAI. Applicants should note that the content of the Schedules to this contract 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 sound broadcasting contract, such a contract will be open to inspection by members of the public at the offices of the BAI⁴.

3.7 Duration of Contract

Sound broadcasting contracts may be granted for a period of up to ten (10) years. The term of the contract which will be applicable to the relevant sound broadcasting contract will be specified in the terms and conditions thought appropriate by the Authority.

⁴ Section 69(5) of the 2009 Act.



3.8 Changes in Composition

The BAI reserves the right to revoke a contract after it has been awarded or granted if material changes take place which affect the nature or characteristics of the successful applicant or in the persons having control or an interest in the sound broadcasting contract, where such changes may have affected the decision to award the sound broadcasting contract had those changes occurred before the award was made.

3.9 Transfer of the Contract

A sound broadcasting contract can only be transferred from one body to another with the prior consent of the BAI. The BAI generally looks unfavourably upon proposed changes in ownership structures within a two-year period after the award of a contract⁵.

3.10 BAI Annual Levy

Pursuant to Section 33 of the Broadcasting Act 2009, the Broadcasting Authority of Ireland is funded through the charging of a levy on public service broadcasters and certain categories of broadcasting contractors. The Levy Order, effective as of 11th March 2010, will be binding on the successful applicant for the term of the sound broadcasting contract. The Applicant should have regard to the BAI's *Guide to the BAI Levy April 2010*.

⁵ BAI's *Ownership and Control Policy (2012)*



4. APPLICATION FORMAT

The application must adhere to the following format and contain the information specified hereunder.

Section 1 – Index

Please include an **Index** setting out the content and layout and referencing page numbers.

Section 2 – Introduction to the applicant

Please provide in relation to the applicant (“the Applicant”) the following information:

- (a) *Applicant’s name and contact details (Contact person, address, telephone no., fax no. and e-mail).*

The Applicant will hold the sound broadcasting contract with the BAI and must be a single legal entity: either a body corporate or a named individual person. A copy of the Certificate of Incorporation and Memorandum and Articles of Association must be included with the application where the Applicant is a body corporate.

- (b) *Main Contact (For Public Purposes) (Contact person, Address, Telephone, Fax Nos. and E-mail). Please nominate at least one individual to deal with any press or public enquiries.*
- (c) *Proposed Station Name.*
- (d) *Brief Description of Programme Service. Please summarise in one short paragraph the type of programme service proposed.*
- (e) *List of Advisers. Please identify the names and addresses of the Applicant’s (i) consultants; (ii) auditors; (iii) solicitors; and (iv) bank.*

Section 3 – Membership of the Applicant

- (a) Please name the members of the Applicant and describe their background and experience.
- (b) Please indicate when the Applicant was formed, its current legal status and financial standing.

Section 4 – Ownership and Control of the Applicant

For the purposes of this section, the following interpretations apply:

"Control" – is in a position proprietarily, financially or in terms of voting rights to determine or direct the policy of the company, with regard in particular to programme output, that is, sourcing, production, supply or delivery to the audience.



"Substantial interests" – has sufficient proprietary, financial or voting strength within a relevant company or companies to be able to influence directly or indirectly to an appreciable extent the strategic direction or policy (which shall include editorial policy) of the company (companies), with regard in particular to programme output, that is, sourcing, production, supply or delivery to the audience.

"Communications Media" – includes all broadcasting services (including sound broadcasting services) in the State and/or the provision of a broadcasting services platform/s in the State (i.e. the transmitting or re-transmitting of programme material by means of wireless telegraphy, a cable system, an MMD system, a satellite device or any other transmission system) and/or the publication of any newspaper, magazine or journal consisting of news and comment on current affairs.

4.1 **Board of Directors**

- i) Please provide the following details in relation to each Director:
 - (a) Name, home address, age, nationality and current occupation;
 - (b) Background, media and other relevant experience (in the context of the service proposed);
 - (c) Substantial Interests held (directly or indirectly) in relation to any communications media (please refer to interpretation above); or/and
 - (d) Control (held directly or indirectly) of any communications media (please refer to interpretation above);
 - (e) Involvement in any sound broadcasting service including the name of the service, the nature of involvement (i.e. position/role held); and period of involvement (commencement date and date of departure);
 - (f) Whether the director has been appointed in a representative capacity.
- ii) Please indicate who among the Directors is or is envisaged to be appointed Chairperson.
- iii) Please provide the same information as in i) above for any other individual whom the Applicant is considering to appoint a Director.

4.2 **Shareholding Structure**

- i) Please detail the existing or proposed shareholding structure of the Applicant, specifying the total number of authorised and issued share capital, the class/classes of shares (i.e. voting, non-voting, preference, other etc.);
- ii) Please set out the total value of loan stock;
- iii) Please state:



- (a) The names and home addresses of all the shareholders of the Applicant;
 - (b) The names and addresses of the beneficial owners, where shareholdings are in the name of a trustee or nominee;
 - (c) The total number of shares (per class where relevant) and the issue price subscribed by each shareholder (including details of any premium paid) and the percentage each shareholding represents of the total issued share capital of the Applicant;
 - (d) The percentage of the voting rights attached to each such shareholding as a percentage of all the votes which may be cast by the shareholders of the Applicant at general meetings;
 - (e) The amount of loan stock subscribed to by each shareholder;
 - (f) If the Applicant is not yet constituted, please indicate the number, class/classes and price of shares to be issued to each investor, and the amount of loan stock to be subscribed by each investor.
- iv) Where a shareholder of the Applicant is a body corporate/entity, please provide the names, addresses and percentage of shares held by the shareholders of that entity.
- v) Please indicate in relation to each of the existing or proposed shareholders of the Applicant:
 - (a) Substantial Interests held (directly or indirectly) in relation to any communications media (please refer to interpretation above);
 - (b) Control (held directly or indirectly) of any communications media (please refer to interpretation above); and
 - (c) Recent financial history/ current financial status
 - (d) Involvement in any sound broadcasting service including the name of the service, the nature of involvement (i.e. position/role held); and period of involvement (commencement date and date of departure).
- vi) Where there are shareholders' or other agreements in existence or proposed in respect of the applicant, please provide details of the provisions of such agreement relating to the ownership and control of the Applicant i.e. Board of Directors, transfer of shares and pre-emption rights, additional rights conferred by share class, envisaged exit mechanisms and conditions etc.

4.3 *Management Structure*

- i) Please describe the proposed management structure of the Applicant;
- ii) Please provide in relation to each of the following individuals, or their equivalents, their full name, home address, age, qualifications and experience to date, in particular that which relates to the broadcast media:



- (a) Chief Executive Officer;
 - (b) Programme Controller;
 - (c) Financial Controller; and
 - (d) Compliance Officer.
- iii) Please specify the Applicant's policy in respect of:
 - (a) management remuneration;
 - (b) employment contracts;
 - (c) share options;
 - (d) pensions and benefits; and
 - (e) any other relevant commitments (financial or otherwise).

4.4 *Character of the Applicant*

Please answer the following questions “yes” or “no”, on behalf of the applicant, to include, if the applicant is a body corporate, its directors, manager, secretary or other similar officer and “significant” shareholders. A person will be deemed to be a “significant” shareholder if s/he is the legal or beneficial owner of shares in the applicant to which are attached ten percent (10%) or more of the voting rights exercisable at a general meeting of the applicant. If the answer is “yes” to any of the following questions, please provide full details.

- (i) Has the applicant ever been convicted of an offence involving fraud or dishonesty?
- (ii) Has the applicant ever been restricted or disqualified as a Company Director, or convicted of any offence under the Companies Acts 1963-2006 (as amended) in this jurisdiction or under equivalent legislation in any other jurisdiction?
- (iii) Has the applicant ever been adjudicated a bankrupt, become insolvent or entered into a voluntary arrangement with creditors, or had a receiver appointed to any of his assets, in this or any other jurisdiction?
- (iv) Has the applicant ever been a director of a company to which a receiver was appointed, which went into compulsory liquidation, creditors' voluntary liquidation, examinership or which made any arrangement with its creditors or class of creditors?
- (v) Has the applicant ever been convicted of an offence under any legislation by which Broadcasting and/or Wireless Telegraphy is regulated in this or any other jurisdiction?
- (vi) Has the applicant ever had a licence or contract issued by a broadcasting licensing body or any other statutory body suspended or revoked in this or any other jurisdiction?
- (vii) Is the applicant aware of any reason why it may not be a fit and proper person to be awarded a contract?



Section 5 – Programming

5.1 *Programming Strategy*

- i) Please detail the ongoing strategies which the Applicant proposes to implement in relation to:
- programme research;
 - programme production;
 - quality control; and
 - ensuring compliance with the statutory requirements and the sound broadcasting contractual obligations for programme content.
- ii) Please set out the criteria upon which, in the view of the Applicant, the success of programming is to be assessed.

5.2 *Programme Policy Statement*

The Programme Policy Statement sets out the commitments that the applicant is willing to make to the BAI in respect of key aspects of the programme service. It will serve as a yardstick against which the successful applicant's future performance is measured and assessed and as such will form part, subject to further negotiations between the BAI and the successful applicant, of the contract between the BAI and the successful applicant.

5.2.1 *Broadcasting Philosophy.* Please detail in the form of a statement the Applicant's overall broadcasting philosophy and vision for the radio service.

5.2.2 *Target audience.* The service will target a [details of audience] in the franchise area. Please explain why, in your view, the proposed service will be of relevance and appeal to the target audience.

5.2.3 *Broadcasting day.* Please indicate:

5.2.3.1 the total number of broadcasting hours per day;

5.2.3.2 the hours of live programming (start and end) per day;

5.2.3.3 the hours of automated programming (start and end) each day;

5.2.3.4 the percentage of broadcasting hours dedicated to:

(1) music programming;

(2) speech-based content;

(3) news and current affairs; and

(4) advertisements.



for the 07.00 – 19.00 period **and** for the total broadcast day.

5.2.4 *News.* Please set out the approach envisaged for news programming, and in particular:

5.2.4.1 The types of news to be broadcast (local, national, international, etc.) and their relevance to the target audience;

5.2.4.2 The sourcing of the various types of news;

5.2.4.3 The number and duration of news bulletins and programmes (weekday and weekend)

5.2.5 *Current affairs programming.* Please set out the approach envisaged for current affairs programming, and in particular:

5.2.5.1 The format, duration and frequency of such programmes (weekdays and weekend); and

5.2.5.2 The relevance of these programmes to the target audience.

Please demonstrate with reference to 5.24 and 5.25 above how the applicant will comply with the statutory news and current affairs requirement (2 hours of broadcasting time between 07.00 – 19.00 and 20% across the total broadcast day). An applicant seeking derogation from this requirement should detail the type of derogation being sought, and the reasons why the applicant believes it should be permitted, with reference to the BAI's policy on this matter.⁶

5.2.6 *Sport.* Please set out the approach envisaged for sports programming, and in particular:

5.2.6.1 The types of sports to be covered and their relevance to the target audience; and

5.2.6.2 The format, duration and frequency of sports coverage (weekdays and weekend).

5.2.7 *Speech programming.* Please set out the approach to speech-based programming that does not have news, current affairs or sport as its focus (arts and entertainment, culture, history, education, minority interests etc). In particular, please detail:

5.2.7.1 The format (documentary, magazine etc.), duration, content and frequency (weekly, monthly, etc.) of such programmes.

⁶ The BAI's Broadcasting Services Strategy 2012 ('the BSS') details the BAI's policy on derogations from the statutory news and current affairs requirement and is available on request from the BAI's offices and on its website at <http://www.bai.ie>. In determining any derogation to be granted, the Authority has regard to three influencing factors as set out on page 10 of the BSS. Applicants should set out any request for derogation with reference to these three influencing factors. The types of services that can apply for derogation should also be noted by applicants.



- 5.2.7.2** In the case of a special/documentary series, the minimum number envisaged per month/ annum.
- 5.2.7.3** The relevance of these programmes to the target audience.
- 5.2.8 Irish language and Irish Culture programming.** Please indicate the amount and type of programming to be broadcast:
- 5.2.8.1** in the Irish language;
- 5.2.8.2** bilingual programming, indicate the approximate amount of Irish therein;
- 5.2.8.3** relating to Irish culture.
- 5.2.9 Music Policy.** Please describe in detail the proposed policy in respect of the music programming and how it will be of relevance to the target audience. A clear definition for each music type / genre or category should be included.
- The information should be sufficiently detailed so as to provide the Committee with a clear profile of the range and type of music proposed by the applicant and in a manner which facilitates the measurement of the performance in the event of the applicant being awarded a sound broadcasting contract for the provision of the service proposed.
- Please detail the music to be broadcast for the 07.00 – 19.00 period **and** the total broadcast day. This should be done by reference to definable music categories **and** definable time periods for the overall music output.
- 5.2.10 Irish Music Policy.** Please define the Irish music that will be aired and, as a percentage of the total music output, the amount of Irish music that will be played in the 07.00 – 19.00 period **and** in the total broadcast day.
- 5.2.11 New Opportunities for Irish talent.** Please detail how the proposed service will create new opportunities for Irish talent having regard to music, drama and entertainment and in particular, in respect of Irish culture.
- 5.2.12 Purchase and sale of broadcast material.** Please detail the proposed policy in relation to the purchase and sale of broadcast material, both from other broadcast organisations and independent producers.
- 5.2.13 Other programming proposals.** If relevant, please describe any other programming proposals which are proposed to carry on the service.⁷

⁷ The BAI's Broadcasting Services Strategy 2012 details the BAI's policy on programme automation and networking and is available on request from the BAI's offices and on its website at <http://www.bai.ie>.



5.3 *Programme Schedule.* Please provide a typical seven-day programme schedule setting out the proposed hours of broadcasting and details of programme content with explanatory notes as to how the programmes meet with the various commitments as outlined in the PPS and generally, the diversity of programming in the franchise area.



Section 6 – Studios and Transmission

6.1 Studios

Please provide a detailed scaled drawing of the studio area together with an overall plan of the studio and office complex that is proposed. Please include the following information: -

- 6.1.1 The proposed location (including the name and address) and total floor area available. In cases where it is proposed to locate on a number of floors or in separate buildings, please specify the floor area of each section.
- 6.1.2 A description of the proposed building including details of its construction, age of building, permitted classes of use, level of access to people with disabilities and why in the applicant's view it is suitable for use as a radio studio and/or office location.
- 6.1.3 A detailed drawing that includes the dimensions of the proposed studios, technical facilities, news, office and administration areas. In particular, details of the manner by which it is proposed to construct the studios, together with details of the acoustic treatment are required.

Please note that the studio layout, equipment and studio worktop heights should be so 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 movement areas around studio and office furniture. The drawings should clearly demonstrate compliance and understanding of building regulations, in Particular Part M and the NDA Buildings for Everyone Guidelines.

- 6.1.4 Outlines of the proposed heating, ventilation and standby power plant should also be provided and where such equipment is to be located.
- 6.1.5 The security mechanisms proposed to guard against unauthorised access to the on-air studio.
- 6.1.6 Please provide a list, including costs, of the principal technical equipment that is to be installed, together with available test and deviation limiting equipment.
- 6.1.7 Please provide a list of the itemised costs for building refurbishment, studio construction, office fixtures, fittings and IT.
- 6.1.8 In cases where an applicant proposes to use existing studio, office or computer equipment or buildings, please specify the age of the equipment / facilities proposed, the life expectancy of the equipment and the plan to replace and refurbish such equipment / facilities during the lifetime of any new contract, in addition to all of the information requested above.



Note:-

No guarantee is given that studio premises currently in use by any sound broadcasting contractor will be approved for use under any new contract. In proposing premises, applicants must strictly adhere to the requirements set out in this section.

Applicants should submit the details as requested in this section for any proposed additional / opt out studios.

6.2 Transmission Proposal

Transmission proposals may be based on the use of alternative transmission locations. Applicants should note that alternative transmission locations may require co-ordination with neighbouring countries and/or additional restrictions to protect existing or planned radio services.

- 6.2.1** Have you entered into negotiations with the owner/operator of the site/s regarding arrangements for the licence period? If so provide details. If not, state what arrangements are anticipated / envisaged?
- 6.2.2** Please provide the rationale for the transmission plan that includes a general description of the proposed coverage and of areas that may receive marginal or unsatisfactory reception.
- 6.2.3** A table of the main technical characteristics of the proposed main transmitter station should be provided in the following format:-

Site Name	Site Coordinates	Site Height ASL	Antenna Height AGL	ERP per pol

The site coordinates must be provided in either:

- Metric format, i.e. Eastings and Northings. These can be easily determined from a 1:50000 scale map.
- Latitude/Longitude format. These must be provided in Degrees, Minutes and Seconds, e.g. 52° 14' 56" North, 7° 45' 34" West.

- 6.2.4** The following additional information should be provided:-
 - (a)** The antenna radiation pattern proposed for the transmitter station.
 - (b)** Details of the band pass filter / combiner system and directional coupler proposed to ensure compliance with the licence terms.
 - (c)** Details of the audio feed.



- (d) Confirm if an emergency backup generator or other standby power supply will be provided for use by the applicant at the transmission facility.
- (e) A letter of consent from the transmission site owner / operator.
- (f) In cases where the applicant group proposes to locate on or in close proximity to an existing mast, information regarding the owner and principal users of said mast is required.
- (g) Please indicate if a planning application has been made and/or approved for the transmission facility.

6.2.5 Computer predicted coverage plots, superimposed on a suitable map, must be provided in the application in an A4 or A3 format and as a high resolution image file on an accompanying CD. A total of five images are required.

- (a) An image of the composite coverage that can be achieved using all of the transmission sites proposed by the applicant. The level of coverage should be clearly demonstrated by using a suitable colour palette that is based on an incremental step of between 3 and 6 dB μ V/m. The prediction model, clutter attenuation, resolution of the terrain database, height of the receive antenna above ground and the consequential minimum signal level required for mono reception in urban and rural areas must be provided.
- (b) An image of the “best server” coverage based on the defined minimum field strength for mono reception. This should clearly identify which transmitter station provides the best coverage to a particular area.
- (c) An image of the “best server” coverage based on the defined minimum field strength for stereo reception. This should clearly identify which transmitter station provides the best coverage to a particular area.
- (d) An image of the level of “simultaneous coverage” that is provided and an indication of the number or percentage of the total number of transmitters that serve an area based on the minimum value for mono reception.
- (e) An image of the level of “simultaneous coverage” that is provided and an indication of the number or percentage of the total number of transmitters that serve an area based on the minimum value for stereo reception.

6.2.6 A description and diagram of the link network should be provided that includes an indication of the level of protection or back-up systems that will be deployed. The total capital cost and associated annual charges should be provided.

6.2.7 Itemised capital costs for the proposed transmission equipment including VHF transmitters, receivers, RDS encoders, band pass filters, directional couplers, feeder cable and antenna system, modulation limiter, radio links, building, heating, ventilation, standby power plant, antenna support structure and installation of all of the above. In cases where an existing transmission company is providing facilities, the capital and annual cost and details of the level of equipment and service is required. In cases where an applicant proposes to use existing transmission



equipment, the age of the equipment proposed to be used, the life expectancy of the equipment and a plan, that includes costs, to replace and refurbish such equipment during the lifetime of any new contract must be provided.

6.2.8 Details of the technical expertise available to the applicant group.

Note: -

The BAI is not bound to accept any aspect of a transmission proposal and it is open to the BAI and ComReg to require alterations to any part of the transmission plan as part of contract negotiations with any successful applicant.

Care should be taken in selecting transmitter locations, particularly in urban areas, to avoid de-sensitising domestic receivers in the immediate area. Transmitters should therefore be located on elevated positions away from residential areas.

All VHF-FM transmitter installations must conform to the technical conditions set out in ComReg Technical Document 12/04a which is available on ComReg's website at www.comreg.ie.



Section 7 – Market Analysis, Financial and Business Plan

7.1 Analysis of Existing Marketplace. Please set out, with supporting documentation and research, your analysis of the radio market in the proposed franchise area in relation to:

- i)** the performance of existing operators;
- ii)** audience ratings;
- iii)** advertising revenue;
- iv)** market trends; and
- v)** any other issues which you consider to be relevant to the competitive assessment of the marketplace.

7.2 Demand and Potential for the Type of Service Proposed. Please explain, providing supporting documentation and research, the reasons why you consider that there is a demand for the service proposed and how the service will contribute to the diversity of broadcasting services and programming available in the proposed franchise area. Reference should be made in particular to the following:

7.2.1 Anticipated Performance of Service. Please detail your strategy with a view to becoming established and developing the service within the current radio market, in particular:

- i)** The target audience for the proposed service;
- ii)** The nature of the market which it is anticipated can be achieved;
- iii)** Projected listenership ratings over the first three years of the service;
- iv)** Indicate the impact, and set out the measures that will be taken, if the listenership projections are not achieved;
- v)** Advertising, sponsorship and other forms of revenue potential e.g. on-line media etc. for the first three years on air; and
- vi)** The expected impact of the proposed service on existing services, both in the short and medium term, in terms of listenership **and** revenue.

7.2.2 Strategies for Achieving Proposed Listenership and Revenue Targets. Please set out your sales and marketing-related strategies, including:

- i)** channels of distribution;
- ii)** sales methods and representation;
- iii)** proposed rates (single unit and package; local and national), discount and credit terms; and
- iv)** promotion and marketing policy.



7.3 Overall Financial Strategy. Please detail your financial strategy over the first three- to five-year period. The strategy must detail how the applicant proposes to meet all pre-operational and subsequent funding requirements. The information provided will be used as a benchmark against which the financial performance of the service will be measured at a later date.

7.4 Investment Proposal. Please provide details of the total funding requirements, and how these will be met, completing Tables A and B.

Table A – Funding	€
Share Capital	
Loan Stock	
Medium / Long Term Borrowing	
Leasing/HP Facilities (capital value)	
Bank Overdraft	
Other (please specify)	
TOTAL	

Table B – Expenditure	€
Capital Expenditures (including capital value of leases)	
Other Pre-operational Expenditure	
Working Capital (at on-air date)	
TOTAL	

7.5 Sources of Funding and Expenditure. Please detail or provide:

- i) the various sources of funding outlined in Table A above;

Where new borrowings are proposed, the application should include written evidence (letters of intent etc.) that such arrangements are available including the following details:-

- (a) The amount, type and duration of the facility;
- (b) The drawdown schedule;
- (c) Any security or guarantee required in support of the facility;
- (d) Conditions precedent;



- (e) Principal covenants;
- (f) Warranties/undertakings in the event default;
- (g) The timeframe for putting the facilities in place.

Where the applicant is already a trading corporate body. Please provide details of:

7.5.1 all borrowing facilities currently available to the company, or to the parent company in the case of inter-group funding and the extent to which they are currently drawn down (the amount and terms of all borrowings (repayment details, covenants etc.), any security provided and charges against the company's assets for other group company assets and the names and addresses of lenders and guarantors to any of the facilities); and

7.5.2 any contingent liabilities and off-balance sheet financing arrangements.

- ii) the timeframe for capitalisation of the Applicant, specifying the amount of funding which will be put in place prior to contract, prior to launch and after the launch of the service.
- iii) statements of, or copies of agreements, from all proposed investors including details of the timing and amounts of finance to be made available; and
- iv) the proportion of the capital expenditure provision that has been allocated to transmission, studio buildings, studio equipment, office fit out and other costs.

7.6 Financial Projections. Please set out:

- i) Detailed projected profit and loss accounts for the first three years;
- ii) Detailed projected expenditure accounts by area of activity;⁸
- iii) Detailed projected balance sheets for the first three years;
- iv) Detailed projected monthly cash-flow statements showing gross inflows and outflows for the first three years;

⁸ Expenditure projections must include the BAI levy. The calculation of this levy is based on the qualifying income of a broadcasting Contractor, the qualifying income of the Industry in addition to the expenditure of the BAI and incorporates different accounting periods. Accordingly, deriving a projected level for the levy fee may be arbitrary for potential applicants. In this regard and for the purposes of this competitive licensing process only, the BAI is proposing an illustrative levy charge of €x + VAT per annum for levy expenditure. Applicants must include €x + VAT per annum charge for levy expenditure in any financial projections. As the amount of the levy will vary from service to service, the figure proposed is purely illustrative and does not represent what the levy charge will be. Further information on the levy, including how the charge is calculated, is available in the BAI's *Guide to the BAI Levy April 2010*.



- v) A full listing of the underlying assumptions on which the financial projections are based, relating such assumptions clearly to other sections of the application;
- vi) The timeframe for achieving profitability; and
- vii) Indicate what measures will be taken if the financial projections are not achieved (for example, commitments from shareholders for additional funds).

7.7 Staffing Matters. Please provide details of:

- i) the proposed staffing structure in diagrammatic form, clearly indicating the number and categories of staff employed for the operation of the proposed service and the basis of their employment (e.g. full-time, part-time, contract) for the new contract period (**Note:** the applicant should ensure this information is consistent with the other sections of the application, for example section 5 -programming);
- ii) the proposed salary level for each full-time and part-time post identified under **i) or ii)** above;
- iii) the applicant's industrial relations policy, including its policy on recognising trade union membership;
- iv) proposed policies in relation to staff remuneration and benefits, including pay agreements, pension and insurance schemes, etc;
- v) the proposed staff training and development policy and strategy, including the proposed annual budget; and
- vi) proposals for the involvement of staff in share option schemes.



Section 8 – Proposed Commencement of Broadcasting

8.1 Readiness Date. Please indicate the commencement date envisaged for the service.

8.2 Critical path analysis. Please identify all actions and decisions and their timescale that the Applicant must carry out from the time of the award of the sound broadcasting contract to the on-air date.

Section 9 – Summary of Proposals

Applicants should ensure that the information provided in this section should be consistent with information provided elsewhere in the application.

9.1 Staff

- Please complete the information requested in the table below.

All Staff	Full Time	Part Time	Staff Costs	% of Total Expenditure

9.2 Programming

- Programme Categories
Please outline the percentage of programming under each category for both the 7am-7pm and Total Broadcast Day time periods.

Category	7am-7pm	Total Broadcast Day
News & Current Affairs		
Music		
Speech		
Advertisements		

- Music Output
Please give an indicative list of the categories of music that will be aired and an average percentage for each having regard to the type of sound broadcasting service (i.e. [details of sound broadcasting service] e.g. broad-format local sound broadcasting service which must cater for a wide audience of all adults 15+, with a particular focus on 25+ year olds).



Category	%

- Irish Music**
 Please indicate the percentage of Irish Music that will be broadcast, in the 7am-7pm period and across the total broadcast day.

7am-7pm	Total Broadcast Day

9.3 Market Analysis

- Daily Reach Projections**
 Please indicate the daily reach projections for the target audience and for all adults during the first three years of operation.

	Target Audience	All Adults (15+)
Year 1		
Year 2		
Year 3		



- Market Share Projections

Please indicate the market share projections for the target audience and for all adults during the first three years of operation.

	Target Audience	All Adults (15+)
Year 1		
Year 2		
Year 3		

- Ratio of Local/Direct to National/Agency Sales for the first five years of operation.

	Local	National
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

- 30" Spot Rate

Please indicate the cost of a basic 30" Spot from 7am-7pm and for the Total Audience Package.

7am-7pm	Total Audience Package



9.4 Financial

- Investment Proposal

Please indicate the amount of funding that will come from the sources indicated below.

Source	Amount '000
Share Capital	
Loan Stock	
Leasing/HP	
Bank Overdraft	
Other (Please Specify)	
Total	

- Application of Funds

Please indicate the amount of funding that will be allocated to the categories below.

Category	Amount '000
Capital Expenditure	
Other Pre Operational Expenditure (Please Specify)	
Working Capital	
Other (Please Specify)	
Total	

- Projected Profit and Loss (Summary)

Please provide the information requested in the table below.

'000	Year 1	Year 2	Year 3	Year 4	Year 5
Turnover					
(Cost of Sales)					
(Operational)					
Net Profit (Loss)					



Annex 1

Technical Characteristics and Coverage of licensed transmitter locations.

Site Name	Frequency (MHz)	ERP per polarisation (dBW)	Easting	Northing	Site Height (m)	Antenna Height (m)	Antenna Pattern

Table 1: Technical characteristics of licensed transmitter stations for current operator

ERP Effective Radiated Power
VP Vertical Polarisation

Figure 1: Predicted coverage based on current transmission network

Annex 2

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.

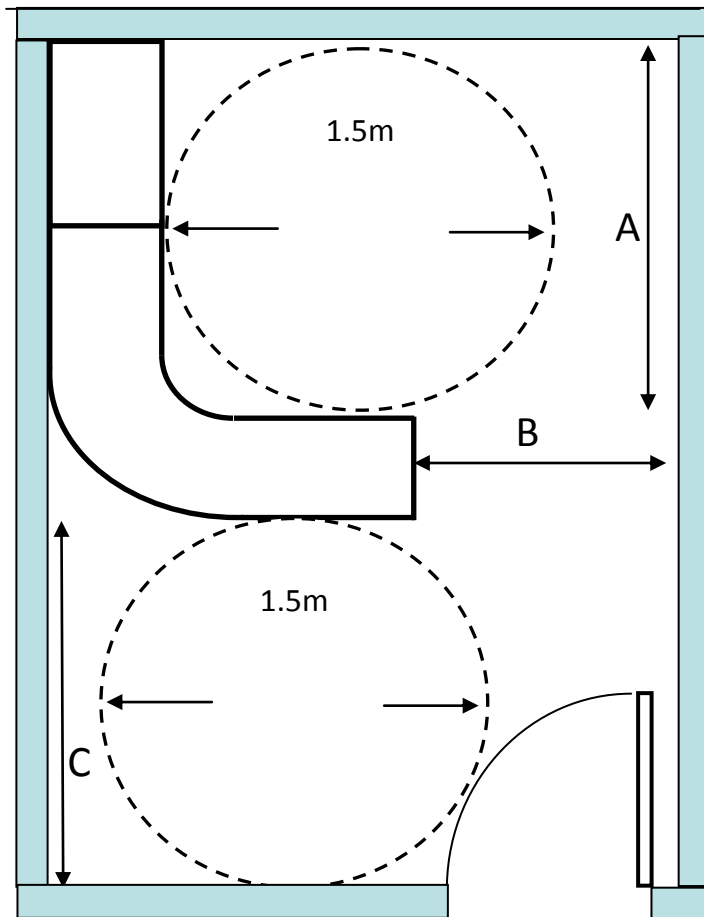


Figure 2: Studio circulation requirements



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