

Small-scale radio multiplex licence award: Belfast and Lisburn

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Belfast and Lisburn to Lagan SSDAB Limited ('Lagan SSDAB').

In considering the applications it receives for small-scale radio multiplex licences, Ofcom is required to have regard to each of the statutory criteria set out in section 51(2) of the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019. These are as follows:

1. the extent of the coverage area (within the area or locality specified in the Ofcom notice inviting applications) proposed to be achieved by the applicant in the technical plan submitted in its application; (section 51(2)(a))
2. the ability of the applicant to establish the proposed service; (section 51(2)(c))
3. the desirability of awarding the licence to an applicant that:
 - a. is a person providing or proposing to provide a community digital sound programme service in that area or locality, or
 - b. has as a participant a person providing or proposing to provide a community digital sound programme service in that area or locality; (section 51(2)(ca))
4. the extent to which there is evidence that, amongst persons providing or proposing to provide community or local digital sound programme services in that area or locality, there is a demand for, or support for, the provision of the proposed service; (section 51(2)(f)) and
5. whether, in contracting or offering to contract with persons providing or proposing to provide community or local digital sound programme services, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of those services. (section 51(2)(g)).

The legislation does not rate these requirements in order of priority, but it may be that Ofcom will regard one or more of the criteria as being particularly important in view of the characteristics of the licence to be awarded and the applications for it.

Assessment of applications

On 25 January 2022, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex service in Belfast and Lisburn.

Ofcom received two applications in response to its notice inviting applications for this locality by the closing date of applications which was 25 April 2022. These were from Belfast DAB Plus Limited and Lagan SSDAB Limited. Copies of the non-confidential parts of the applications were made available for public scrutiny on the Ofcom website, and public comment was invited as required under section 50(7).

Ofcom colleagues assessed the detail of applications, including carrying out assessments of the technical plan required to be submitted as part of all applications. The decision in relation to Belfast and Lisburn was made by a panel of Ofcom decision makers which convened on 30 June 2022. They carefully considered the applications, public comments received, and professional advice from Ofcom colleagues, and applied the statutory criteria in reaching their decision on whether and to whom to award a licence. Reasons for their decision to award the licence to Lagan SSDAB are summarised below.

In relation to section 51(2)(a), the successful applicant proposed using two transmitters to provide its service. Ofcom calculations indicate that this would result in just over 90% of the adult population in the advertised licence area being able to receive the service. Our coverage predictions indicated that the proposed small-scale multiplex would reach less than 40% of the population covered by the local Northern Ireland multiplex, and that overspill outside the advertised area was under 30% of the population of the advertised area. Therefore, no mitigations would be required to comply with these thresholds. However, we considered some mitigation may be required to address the risk of interference into a planned small-scale radio multiplex service that may use the same transmission frequency and the mitigation may reduce the adult population served to around 88%. Ofcom considered that this represents a very good level of coverage within the advertised area.

In relation to section 51(2)(c), Ofcom considered financial and business plans, technical plans, the timetable for coverage roll-out, and evidence of relevant expertise and experience. Ofcom noted the good mix of expertise and involvement of the applicants and the experience of contractors to install transmission and multiplex equipment, and maintain and undertake the day-to-day management of the multiplex. Ofcom noted the need to progress to written agreement on transmitter site access, but overall considered that Lagan SSDAB had demonstrated it would be in a good position to establish the service within 18 months of the licence award as required by legislation.

In relation to section 51(2)(ca), Ofcom noted that the applicant is a company limited by guarantee and has as participants: Belfast FM Limited, Blast 106 Limited, Juice Belfast Limited and Sunshine 1049 Limited, each of which is proposing to provide a community digital sound programme (C-DSP) service on the multiplex. All four proposed services are existing analogue community radio stations (Belfast 89, Blast 106, Juice 1038 and Sunshine 1049 respectively) in Belfast and Lisburn, providing a high degree of confidence that they will be carried as C-DSPs from launch. Each of the four is a member of the applicant company with 20% of voting rights and a designated representative of each is on the applicant's board, indicating a very strong level of community sector involvement. Under the legislation, involvement of such persons is a desirable feature for applicants.

In relation to section 51(2)(f), Ofcom considered evidence of demand or support from persons providing or proposing to provide community or local digital sound programme services in the advertised area. The applicant provided strong evidence of support from prospective service providers through 28 signed heads of terms agreements, including nine from prospective C-DSP service providers (six being existing analogue community services in the advertised area, one outside the area, and one an existing online service, providing confidence that these will be carried by the multiplex on launch). Decision makers considered the application demonstrated positive engagement with both community and commercial sectors and strong support from a wide range of prospective services.

In relation to section 51(2)(g) and based on the evidence received, Ofcom was satisfied that the applicant had, in contracting or offering to contract with persons providing or proposing to provide community or local digital sound programme services, acted in a manner calculated to ensure fair and effective competition in the provision of those services.

It is noted that the award of a licence does not confer on the awardee the right to implement all elements of the technical plan submitted to Ofcom as part of the successful application. Ofcom will treat proposals in that plan, on the basis of which the award was made, as things the successful applicant has committed to achieve within the 18-month period allowed between award and launch. However, for spectrum planning reasons, Ofcom may also require amendments to proposals between award and licence grant.

It should be noted that, if future developments within the Republic of Ireland result in their need to use VHF Band III spectrum, Ireland has the rights to implement networks in line with existing international agreements. In the event this happens, Ofcom will work to resolve any potential interference issues to the Belfast and Lisburn small-scale radio multiplex service, although this could potentially require a change of transmission frequency or other measures.

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