
Small-scale radio multiplex licence

Application form – Part A (public)

Name of applicant (i.e. the body corporate that will hold the licence):

SUBDIGITAL DERBY LTD

Multiplex licence area being applied for (note this must be a small-scale multiplex area *currently being advertised* by Ofcom):

DERBY

APPLICATION FORM:

Publication date: 14 July 2022

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1. Overview

The purpose of this form

- 1.1 You should complete this form if you are applying for a licence to provide a small-scale radio multiplex service (a 'small-scale radio multiplex licence'). A small-scale radio multiplex service is the means by which DAB digital radio stations ('digital sound programme services') are broadcast, and can transmit around ten stereo digital sound programme services (or a significantly higher number if the DAB+ standard is utilised). The application form is divided into two parts – **Part A** (which we will publish on our website) and **Part B** (which will be kept confidential). This document constitutes Part A; Part B of the application form is available separately.
- 1.2 Small-scale radio multiplex licences are awarded by Ofcom in a competitive process. Applications are judged against specified criteria, and Ofcom awards the licence to the applicant which it considers best meets the criteria.

How to complete the form

- 1.3 There are detailed instructions on how to complete this form, and information on the next steps in the application process, in our guidance notes for licence applicants and licensees. Please read this guidance and the frequently asked questions carefully before completing this form.
- 1.4 If you still have a query having read the guidance and FAQ, you can contact Ofcom's Broadcast Licensing team by email (smallscaledab@ofcom.org.uk). The team cannot provide advice or pre-approve applications but can answer general questions.
- 1.5 Please download this form and fill it in on a computer. If completing by hand, please use block capitals and black ink.
- 1.6 Please answer all the questions as fully as possible, use extra sheets if required and provide the supporting documentation listed at Section 7 of Part B of the application form. Sufficient information must be supplied about the applicant and the proposed service to enable Ofcom to consider the application in accordance with the statutory criteria for the granting of small-scale radio multiplex licences. Ofcom may need to request further details from you before a licence can be granted.
- 1.7 Ofcom reserves the right to reject applications made using an old version of the form.
- 1.8 Ofcom will accept handwritten application forms, but they must be filled in using block capitals and black ink.
- 1.9 Ofcom reserves the right to reject application forms that are illegible.
- 1.10 You must answer all questions in the application form and respond "N/A" to any questions that do not apply to the applicant.

- 1.11 Ofcom reserves the right to reject applications which do not meet the following criteria:
- a) The declarations in Section 6 of this form and in Section 8 of Part B of the application form must both be signed and dated.
 - b) The person who signs and makes the declaration on behalf of the applicant must be:
 - i) A director of the company or the company secretary where the applicant is a company.
 - ii) A designated member where the applicant is a Limited Liability Partnership.
 - c) All supporting documents as requested in the checklist at Section 7 of Part B of the application form must be supplied in legible form and translated into English where applicable.
- 1.12 If you are completing the form as an agent, i.e. you are acting on the applicant's behalf, please note that you cannot sign it on your client's behalf, and that the person signing the form needs to have personally checked the truth and completeness of the responses given. If your client wishes you to be Ofcom's main contact in relation to the application, please make this clear in an accompanying letter, and provide evidence of your authority to act on behalf of the applicant. The form should be filled in so as to include information about the applicant, not the agent. If Ofcom has further questions once the application has been submitted, we will direct these to the applicant, not to the agent, but we will accept responses from the agent.

How to submit the form

- 1.13 We prefer application forms and required supporting documents to be submitted by email to smallscaledab@ofcom.org.uk. Handwritten applications and required supporting documents should be scanned and attached to the email.
- 1.14 You should receive a response from smallscaledab@ofcom.org.uk confirming that your application has been received by Ofcom. If you do not receive a response, it is likely your application has not been received and you should contact Ofcom's Contact Centre on 0300 123 3333 and ask to leave a message for the Broadcast Licensing team, who will respond to your message as soon as possible.
- 1.15 If the applicant cannot submit the application form and/or the supporting documentation by email, the applicant may submit the application and/or the supporting documentation by post to:
- Ofcom
Broadcast Licensing
Riverside House
2a Southwark Bridge Road
London
SE1 9HA
- 1.16 Those applicants who submit their application by post will be sent an acknowledgement.

Application fee

- 1.17 A non-refundable application fee of £500 is payable either by cheque made out to 'Ofcom' or by bank transfer.
- 1.18 Applications will not be assessed until the application fee has been received in Ofcom's bank account.
- 1.19 Ofcom requests that applicants pay the application fee by bank transfer and that immediately after the applicant has instructed their bank to make the payment, confirmation of payment is emailed to ofcom.remittances@ofcom.org.uk.
- 1.20 To ensure that Ofcom can identify the payment, it must include a payment reference which is the applicant's postcode followed by the applicant's name (or as much of the name as is possible to provide within the character limit set by the bank) as provided in response to question 3.1 of this application.
- 1.21 The bank details to be used to pay the application fee are:
- Account Name: Office of Communications
- Bank details: Lloyds Bank, 69-73 Borough High Street, London SE1 1NQ
- Account number: 00782415
- Sort code: 30-97-90
- BIC: LOYDGB21351
- IBAN: GB05 LOYD 3097 9000 7824 15
- SWIFT: LOYD GB 2L
- 1.22 If the applicant is unable to make the payment by bank transfer, a cheque should be made out to 'Ofcom' and sent in the post to Ofcom Broadcast Licensing team, Riverside House, 2a Southwark Bridge Road, London SE1 9HA. You must state the name of the applicant as provided in response to question 3.2 and proposed service name on the back of the cheque.
- 1.23 If an applicant is paying the application fee by cheque, the cheque must be received within five days of the application being received by Ofcom or the application may be rejected. If an applicant's cheque bounces, the application may be rejected.

Supporting documentation

- 1.24 You must provide a range of supporting documentation when submitting this application form. Please refer to the checklist at Section 7 of Part B of the application form for full details. Please note that failure to supply the necessary documents will delay your application.
- 1.25 Ofcom reserves the right to reject applications with which the necessary documents are not supplied in legible form.

- 1.26 Please note that Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit, please send your supporting documents in a separate email(s), clearly indicating the applicant's name in the subject line of the email.

Provision of information

- 1.27 Ofcom requires complete and accurate information to assess applications. In particular, we must be satisfied that those applying for a licence are 'fit and proper' to hold a licence and are not disqualified from participation in a licence.
- 1.28 It is an offence under the Broadcasting Act 1996 (as amended) to provide false information or withhold relevant information during the application process, and may be grounds for revocation of a licence subsequently granted.

Publication of applications

- 1.29 Part A of the application form (i.e. this document) will be published by Ofcom on our website as soon as practicable following the closing-date for applications. Because this is the 'public' part of the application form, and Ofcom is legally required to publish applications for public comments, *no questions* should be answered by means of the submission of a confidential annex. If, for logistical reasons, an annex is required to answer a question in Part A of the form, this will be published on our website alongside Part A of the application form. Part B of the application form will remain confidential.
- 1.30 Ofcom may take into account any comments received from the public, which can be made to it with respect to Part A of the application submitted.
- 1.31 In submitting Part A of the application, you agree that Ofcom may publish contact details for the licensee, which may include personal data, on the Ofcom website and/or in other relevant publications.
- 1.32 When a licence is granted, the name of the service and public contact details for the licensee will be published on the Ofcom website. These are the details supplied by the applicant in the application form. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email (smallscaledab@ofcom.org.uk).
- 1.33 Ofcom considers issued small-scale radio multiplex licences to be public documents and copies of licences will be made available to third parties on request, noting that personal data apart from the name of the licensee may be redacted.

Data protection

- 1.34 We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's [General Privacy Statement](#) for more information about how we handle your personal information and your corresponding rights.

Keeping up to date with broadcasting matters

- 1.35 We strongly recommend that you subscribe to receive Ofcom's regular email updates on broadcasting matters. These include a monthly radio licensing update that lists new services licensed, licences revoked, licence transfers, and changes to licensed services during the past month. To subscribe to these updates, please visit www.ofcom.org.uk/about-ofcom/latest/email-updates and select 'Broadcasting'.

2. Extent of proposed coverage area

About this section

Under section 51(2)(a) of the 1996 Act, we are required to consider the extent of the coverage area an applicant proposes to achieve within the area which has been advertised. This section therefore asks you to describe the coverage you are proposing to achieve. Further questions on the detailed technical arrangements for the proposed service, including questions on the transmission site(s) that you intend to use and your plans for how the multiplexing and distribution of your service will be arranged are contained in Part B of the application form.

Before completing this section of the form, you should read carefully the notes on ‘Extent of proposed coverage area’ in Section 4 of Ofcom’s [guidance notes for licence applicants and licensees](#).

Applicants should note there are confidential questions relating to extent of coverage area in Part B of the application form.

- 2.1 Please provide a summary, fully consistent with the more detailed information about transmission sites supplied separately in Part B, of the coverage area proposed to be achieved by your technical plan. This should include a description of the target area you are seeking to serve within the advertised licence area, and also any areas you are aiming to serve outside the advertised licence area for this small-scale radio multiplex service. (You may refer to your coverage prediction in the response you provide):

The advertised polygon is a “North/South” ellipse. We have had feedback from a number of local stations that this shape does not fit with their requirements. Furthermore ONS data shows Belper and other areas to be far more closely aligned with Alfreton/Ripley. We therefore are proposing a single site, concentrating on the main conurbation of Derby only.

No service providers that have spoken to us have indicated that they have any need or desire to cover Belper. We have attempted to contact stations in those areas who have indicated they have no desire to cover Derby

Service providers have strongly indicated that they favour the lower carriage costs and greater assurance of longevity that results from a single site solution. Furthermore our site right in the City Centre provides maximum indoor portable service in the key city areas as opposed to an “out of town” transmitter that may cover the whole polygon.

We also note this polygon is called “Derby” and not “Belper and Derby”, we consider this means Ofcom recognise Belper is a less significant part of the area.

- 2.2 Please provide summary details of the sites required to achieve this coverage by completing the table below (add additional rows as required):

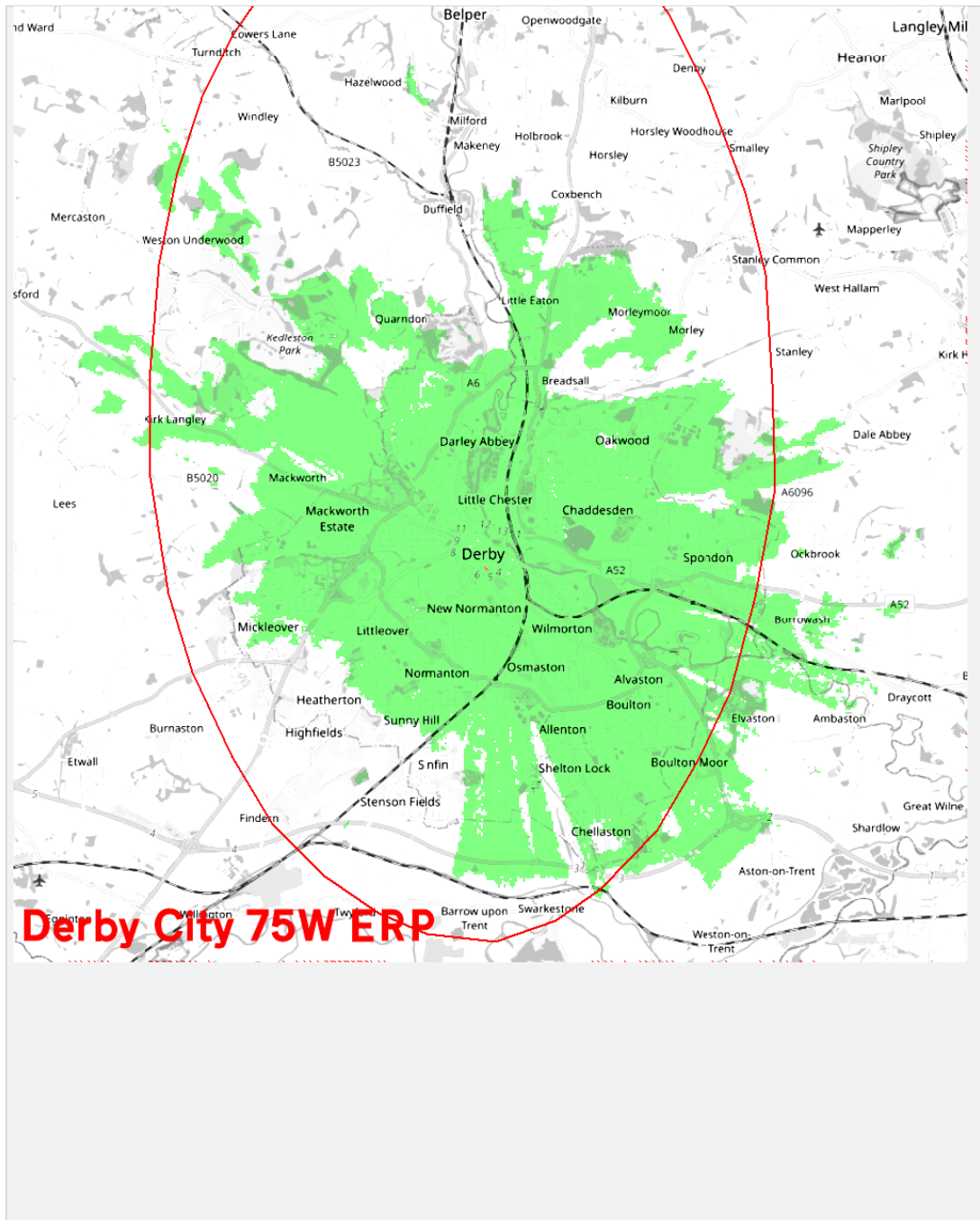
Site name	NGR	Antenna height (m agl)	Antenna type proposed with bearing	New or existing antenna	ERP (W)

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Maxxwave Derby	SK35396357 71	36m	Omni	New	75W

- 2.3 Please provide a coverage prediction map for the whole transmitter network you are proposing to build within 18 months if you are awarded a licence. The map should show the 63 dB μ V/m field strength and the advertised small-scale DAB licence area contour. Small-scale DAB licence areas in GIS format are available on the Ofcom website.

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2.4 Please provide the following details of the prediction software used for your coverage assessments:

Provide the name and version of the prediction tool used.	Maxxwave – July 2022 build
Detail the terrain model used by the software and its resolution.	NASA SRTM 1 arcsecond (~30m)
Detail the ground cover (clutter) data used by the software and its resolution.	Landsat Clutter Data (~30m)

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tion.	
What propagation algorithm has been used?	Deygout 94 as defined within ISSN 0292-6903
Where multiple sites are proposed, describe what methodology has been used to assess the network (SFN) gain	Power Sum Methodology
If these predictions have not used Ofcom-provided population data, state what population data has been used and its source.	Census 2011 (ONS)
Have your predictions been generated by a commercial organisation? If so, by whom?	Maxxwave Ltd

3. Ability to establish the proposed service

About this section

In Section 3, we are asking questions about the applicant company, its financial and business plan, the relevant expertise and experience of those who will be involved in providing the small-scale radio multiplex service, and the timetable for coverage roll-out. The answers to these questions will enable Ofcom to assess the application under section 51(2)(c) of the 1996 Act. Additional information is requested in Part B of the application form.

In the first part of this section we are asking for details of the applicant's officers (directors or, in the case of LLPs, designated members), its shareholders and participants. Where applicable, we are also asking for details of the officers of the applicant's parent and associated companies or LLPs etc.

If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.

Certain persons are disqualified from holding a small-scale radio multiplex licence. This section asks the questions which enable us to consider this for those types of disqualification which apply specifically to bodies corporate. It also asks questions which are relevant to our assessment of the applicant's fitness and properness to hold a small-scale radio multiplex licence.

The response boxes and tables should be expanded or repeated where necessary, or provided in a separate annex.

'Officerships' in this section refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).

The remaining questions in Section 3 relate to the applicant's financial and business plan, the expertise and experience of those involved, and the planned timetable for launching the proposed multiplex service.

Applicants should note there are confidential questions relating to extent of coverage area in Part B of the application form.

Applicant's details

3.1 Name of applicant (i.e. the body corporate that will hold the licence):

SUBDIGITAL DERBY LTD

3.2 Company registration number stated on Companies House (if applicable):

14042940

3.3 For UK registered companies, the address of the applicant's registered office stated on Companies House. For non-UK registered companies, the principal office address:

63 Melton Road, Leicester, LE4 6PN

3.4 If a UK registered company, is the **current** Memorandum and Articles of Association document available on the Companies House website?

Yes (delete as appropriate)

If no, please submit the up-to-date document and indicate you have done so in the checklist in Section 7 of Part B of the application form.

Ownership and control of company which will hold the licence

Details of officers

3.5 Please complete the following table, expanding it if necessary, to provide the following details for each director or designated member of the applicant (i.e. the body corporate that will hold the licence):

Full name of individual	Correspondence address ¹	Country of residence	Other officerships held (and nature of the business concerned)	Other employment
DINESH KOTAK	63 Melton Road, Leicester, LE4 6PN	UK	Sabras Sound Ltd, Now Digital (East Midlands) Ltd, South Birmingham Digital Radio Ltd, Sub-digital Ltd, Jubb (UK) Ltd, Bowbridge Ltd, Thurney Properties Ltd, Power Plane Ltd, Power Plane Holdings Ltd, Cityregen LLP, Cityregen (Leicester) Ltd.	Managing Director @ Sabras Sound Ltd Nature of other businesses include property, road construction, media and plastic packaging manufacturing Ltd.

Details of participants

3.6 Please complete the table overleaf, expanding it if necessary, to list all bodies or individuals which hold or are beneficially entitled to shares, or who possess voting powers, in the applicant (i.e. the “participants”). If you are unable to provide a complete answer to this

¹ This should be the same address as is held and published by Companies House.

question in relation to beneficial owners, please state whether you have any reason to suspect the existence of any beneficial owners.

(If parts of this question are not applicable to the applicant – for example, because the applicant does not have shareholders – please respond “N/A” in the relevant parts of the table.)

Full name of participant (existing and proposed)	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
Dinesh Kotak (Sabras Sound)	45	25000	60	45
Brian James Lifestyle Ltd (BFT Radio)	25	5000	20	25
Lazy Gold Radio CIC	5	0	0	5
Derbys Community Radio CIC (BaD Radio)	5	0	0	5
Artcore Ltd	5	0	0	5
Next Gen Intelligence Academy CIC	5	0	0	5
Sanskar Radio Ltd	5	0	0	5
Psy-Qi Ltd (Learn 2 Rest Radio)	5	0	0	5
Comments				
The names in brackets indicate, where it is not immediately obvious, what service each shareholder is proposing to operate				

Details of relationships of control

3.7 Complete the following table, expanding it if necessary, to list any bodies corporate which are controlled *by* the applicant, any director of the applicant, any person/body corporate with control over the applicant, or any body corporate controlled by a person/body corporate controlling the applicant. Please include bodies corporate under joint control – i.e. which are controlled acting together in concert with third parties (e.g. because of a shareholder’s agreement):

(If this question is not applicable to the applicant please respond “N/A” in the table.)

Full name of body corporate	Address	Person/body controlling the entity (i.e. the applicant itself or its associate)
N/A	The applicant (Subdigital	N/A

	Derby Ltd) does not control any other body Corporate	

Details of persons who control the applicant

3.8 Complete the table overleaf, expanding it if necessary, to list all persons/bodies corporate who control the applicant, or control any person/body corporate with control over the applicant. Please include persons or bodies that control the applicant (or body corporate with control over the applicant) jointly i.e. acting together in concert with third parties (e.g. because of a shareholder’s agreement). Please note that some of this information may repeat information provided above on shareholders and other participants in the applicant:

(If this question is not applicable to the applicant please respond “N/A” in the table.)

Full name of person/body corporate	Address	Person/body controlled by the entity (i.e. the applicant itself or its associate)
Dinesh Kotak (Sabras Sound)	63 Melton Road, Leicester, LE4 5PN	Shareholder in applicant
Brian James Lifestyle Ltd (BFT Radio)	42 Chapel Lane, Leicester, England, LE2 3WE	Shareholder in applicant
Lazy Gold Radio CIC	Flat 24 Kempsey House, Kitwell Lane, Birmingham, England, B32 4AH	Shareholder in applicant
Derbys Community Radio CIC (BaD Radio)	34 Walthamstow Drive, Derby, Derbyshire, England, DE22 4BR	Shareholder in applicant
Artcore Ltd	3 Charnwood Street, Derby, Derbyshire, DE1 2GT	Shareholder in applicant
Next Gen Intelligence Academy CIC	33 Grenfell Avenue, Sunnyhill, Derby, England, DE23 1LA	Shareholder in applicant
Sanskar Radio Ltd	Chartwell House, 3 Chartwell Drive, Wigston, LE18 2FL	Shareholder in applicant
Psy-Qi Ltd (Learn 2 Rest Radio)	16 Jubilee Parkway Jubilee Business Park, Derby, Derbyshire, England, DE21 4BJ	Shareholder in applicant

3.9 Complete the following table, expanding it if necessary, to list other bodies in which any individual listed in response to question 3.8 is a director or designated member:

(If this question is not applicable to the applicant please respond “N/A” in the table.)

Full name of individual	Name of body in which individual is a director or designated member
Dinesh Kotak	Sabras Sound Ltd, Now Digital (East Midlands) Ltd, South Birmingham Digital Radio Ltd, Subdigital Ltd, Jubb (UK) Ltd, Bow-bridge Ltd, Thurney Properties Ltd, Power Plane Ltd, Power Plane Holdings Ltd, Cityregen LLP, Cityregen (Leicester) Ltd.

3.10 Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled (including jointly controlled) by any body corporate listed in response to question 3.8:

(If this question is not applicable to the applicant please respond "N/A" in the table.)

Full name of body corporate listed in 3.8	Body corporate controlled

3.11 In relation to each body corporate identified in response to question 3.8, complete the table overleaf, expanding it if necessary, to list all bodies which hold or are beneficially entitled to shares, or who possess voting powers, in the body corporate concerned (i.e. "participants"). You may, but are not required to, exclude from this table any bodies listed in response to question 3.8. If you are unable to provide a complete answer to this question in relation to beneficial owners, please state whether you have any reason to suspect the existence of any beneficial owners.

(If this question is not applicable to the applicant please respond "N/A" in the table.)

Name of body corporate identified in response to question 3.8				
Full name of participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights

Comments
<p>As there are a large number of body corporates and this has a complex share structure, it is going to end up being several pages of shareholders, which as they are minority shareholders in their own entity, will effectively end up being 0.05% or less of the total influence on this applicant.</p> <p>None of the shareholders in the other body corporate have any interest in broadcasting, and do not meet the statutory criteria.</p> <p>The primary person who Ofcom may wish to ensure meets the statutory criteria is Dinesh Kotak due to extensive broadcasting involvement, whose involvement has been listed in 3.9 as he is an individual.</p>

Involvement of the applicant in specified activities

3.12 Please state below whether the applicant, or any individual or body corporate identified in questions 3.5 to 3.11 is, or is involved in, any of the below, and the extent of that interest.

Activity/involvement	Yes or No	Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement
A local authority	No	
A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body	No	
A body whose objects are wholly or mainly of a religious nature; ²	No	
An individual who is an officer of a body falling within (b) or (c);	No	

² Please refer to sections 3 to 5 of Ofcom's [religious guidance note](#) for details on how we determine the eligibility of religious bodies to hold certain broadcasting licences.

A body corporate which is an associate (as defined in paragraphs 1(1) and 1(1A) of Part I of Schedule 2 to the Broadcasting Act 1990) of a body falling within (b) or (c);	No	
An advertising agency or an associate of an advertising agency	No	

Details of applications, licences and sanctions

3.13 Please answer 'yes' or 'no' to the following questions about the applicant (i.e. the body corporate that will hold the licence):

a) Is the applicant a current licensee of Ofcom?

No (delete as appropriate).

b) Has the applicant ever held an Ofcom broadcasting licence before?

No (delete as appropriate)

c) Has anyone involved in the proposed service held an Ofcom broadcasting licence or been involved in an Ofcom-licensed broadcast service before?

Yes (delete as appropriate). Dinesh Kotak. Note also all shareholders apart from Dinesh Kotak will be applying for C-DSP licences for Derby

d) Does the applicant control an existing Ofcom licensee?

No (delete as appropriate).

e) Is the applicant controlled by an existing licensee or by any person who is connected (within the meaning of Schedule 2 to the Broadcasting Act 1990) with an existing licensee (i.e. as a "participant")?

Yes (delete as appropriate). Dinesh Kotak

f) Has the applicant – or any person(s) controlling the applicant - made any other application to Ofcom (or its predecessor broadcast regulators – the Independent Television Commission and the Radio Authority) for any licence which has since been surrendered by the licensee or revoked by Ofcom (or one of its predecessor regulators)?

No (delete as appropriate).

g) Has the applicant – or any person(s) controlling the applicant - made any other application to Ofcom (or its predecessor broadcast regulators – the Independent Television Commission and the Radio Authority) for any licence which has since been surrendered by the licensee or revoked by Ofcom (or one of its predecessor regulators)?

No (delete as appropriate).

- h) Is the applicant – or any person(s) controlling the applicant – subject to any current or pending investigation by any statutory regulatory or government body in the United Kingdom or abroad in respect of any broadcast-related matter?

No (delete as appropriate).

- i) Has the applicant – or any person(s) controlling the applicant – ever been subject to a statutory sanction for contravening a condition of a broadcasting licence in the UK or any other jurisdiction?

No (delete as appropriate).

3.14 If the response to any of the questions (a) to (i) in 3.13 above is 'yes', please provide the details, expanding the table where necessary:

	Licence number(s) (if known)	Details
(f)		AL00005 / DP000062 / DP000063 - Sabras Sound Ltd – Don Kotak DL000034 - Now Digital East Midlands Ltd (Leicester) – Don Kotak DL000043 - Now Digital East Midlands Ltd (Nottingham) – Don Kotak DL000048 - Now Digital East Midlands Ltd (Derby) – Don Kotak
(g)		
(h)		
(i)		

3.15 Please provide any further information you hold, relating to the past conduct of the applicant or those individuals listed, in regulatory matters or in matters going to honesty and/or compliance, which may be relevant to Ofcom's consideration of whether or not the applicant is fit and proper to hold a broadcast licence. If the applicant or the form signatory fails without reasonable excuse at this point to declare any matter of which Ofcom subsequently becomes aware, and which we consider to be relevant to the applicant's eligibility to hold a licence, we will take it into account in determining the question of whether the applicant/licensee remains fit and proper to hold a licence.

If you have no information to provide, please respond "N/A".

N/A

3.16 Has the applicant – or any person(s) controlling the applicant – ever been convicted of an unlicensed broadcasting offence?

No (delete as appropriate).

If yes, please provide the following details:

Full name	Date of conviction/action (dd/mm/yy)	Penalty
N/A		

Financial and business plan

- 3.17 Please provide a high-level estimate of the costs you believe will be required to establish the multiplex service.

We estimate that the following resources will be required to establish the multiplex service:

Admin

Sundry costs £2000
 Marketing: £500
 Administration: £1000
 Web Hosting: £300
 Business Insurance: £500
 Ofcom Fees: £500

TX

£7500 transmission equipment
 £3500 installation + commissioning

Other Infrastructure

Multiplexer:- £2500

Total

Admin: £4800
 TX: £11000
 Multiplexer: £2500

£18300 total required

Available £30000

Note: There is funding for two transmitter sites and originally we were considering this, but no service providers felt that Belper had any significant affinity with Derby and indicated they would prefer lower carriage costs from a single site, so we are currently only proposing a single TX site.

- 3.18 Please indicate how the costs outlined in 3.17 (above) will be met, under the following headings:

a) Share capital

Share capital has not yet been called up (as shown in 3.6)

B0Loan stock

£25k is available on loan from Dinesh Kotak, to be repaid after 5 years.

£5k is available from Brian James Lifestyle Ltd, to be repaid within 3 years.

b) Leasing/HP facilities (capital value)

c) Bank overdraft

d) Grants and donations

e) Other (please specify)

3.19 Expanding the table if necessary, please list the providers of the funding which will be used to establish the service, and the amount of funding that each will provide. For incorporated investing shareholders, please provide a copy of the most recent statutory accounts if they are not currently available on Companies House.

Name of shareholder or investor	Percentage of shares held (if applicable)	Amount of funding provided (£)
Dinesh Kotak	45	£25000
Brian James Lifestyle Ltd	25	£5000

3.20 All of the funding identified above should be confirmed. If any funding has not been confirmed, or if there are any pre-conditions before the funding is released which have not yet been met, provide an explanation of what needs to be done, the dates by which it needs to be carried out, and any steps the applicant needs to take to ensure the funding is confirmed and/or released.

All funding is confirmed and there is a large surplus available.

Shareholder funds have not been called up (£100)

Contingency funding is available if required

Relevant expertise and experience

- 3.21 Please provide details of who will be responsible for the day-to-day general management of the multiplex service (for example, dealing with programme service providers and contractual matters). Please also briefly state their previous relevant experience. (Note that any individuals or contractors who cannot be identified at this stage can instead be included in the confidential section (Part B) of the application form.)

Admin Roles

The admin roles will be those that exert “control” over the licence:-

Marketing, dealing with service providers (non-technically), signing contracts, accounts, etc.

This will be handled by Subdigital Derby Ltd, who have premises at 63 Melton Road as well as administration staff who are experienced in such matters.

There will be staff available during normal office hours and it is aimed that a new service provider should be able to start broadcasting within 3 working days of initial enquiry, providing the service provider responds to requests within a timely manner.

Technical Roles

Whilst this question does not relate to technical roles, keeping the multiplex on air, responding to faults, dealing with service provider’s audio/technical requirements will all be handled by Maxxwave Ltd.

Effectively once the contract is signed by Subdigital, Maxxwave will be responsible for getting and keeping the service on air technically. Subdigital may instruct Maxxwave to cease transmission of the service, such as non-payment of the service, cancellation, etc.

- 3.22 Please provide details of who will be carrying out the installation and on-going maintenance of your multiplexing / transmitter equipment (or the name of your proposed transmission and multiplex provider if you intend to use a third-party organisation for these services). Please also briefly state their previous relevant experience. (Note that any individuals or contractors who cannot be identified at this stage can instead be included in the confidential section [Part B] of the application form.)

Function	Responsible party	Previous experience
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Installation of transmission equipment	Maxxwave Ltd	Several Ofcom licenced sites and services, including non-operational SSDAB trials.
Ongoing maintenance of the transmission equipment	Maxxwave Ltd	Several Ofcom licenced sites and services, including non-operational SSDAB trials.
Installation of the Multiplexing equipment	Maxxwave Ltd	Several Ofcom licenced sites and services, including non-operational SSDAB trials.
Day-to-day technical management and maintenance of the multiplexing equipment (if different from response to question 3.28 above)	Maxxwave Ltd	Several Ofcom licenced sites and services, including non-operational SSDAB trials.

Timetable for coverage roll-out

3.23 Please tell us how soon after licence award you expect your multiplex service to become operational and achieve the coverage you are proposing:

We are expecting the multiplex to be fully operational within 6-12 months of license award.

3.24 In addition, please provide, as an annex to be submitted with this application, an outline project plan with timeline (e.g. a Gantt chart or similar) showing the high level activities and tasks leading up to the launch of your multiplex service.

4. Involvement of C-DSP providers; demand or support from programme providers

About this section

Section 51(2)(ca) of the 1996 Act requires Ofcom to take into account the desirability of awarding a small-scale radio multiplex licence to a body corporate that is providing – or proposing to provide – a C-DSP service in the locality being advertised (or involving such a person as a participant in the licence-holding company).

Section 51(2)(f) of the 1996 Act requires Ofcom to take into account evidence that the applicant has support from providers interested in having their existing or planned programme services carried on the proposed multiplex.

Note that we do not require applicants to provide us with a full-line up of services they intend to provide, or details about the content of those services.

Involvement of C-DSP providers

4.1 Is the applicant body proposing to provide its own C-DSP service on the multiplex?

No (please delete accordingly)

4.2 If the answer to the above question is 'yes', please provide a name and brief details of this proposed service. If the service is already licensed by Ofcom, the licence number should be provided:

N/A

4.3 If the answer to the above question is 'no', please provide details of any participant in the applicant body that is proposing to provide a C-DSP service on the multiplex. In this context, a "participant" refers to a person who holds or is beneficially entitled to shares in the applicant or possesses voting power in the applicant. If the service is already licensed by Ofcom, the licence number should be provided. Please refer to the nature of the participation (e.g. shareholding or agreement in relation to voting power):

Brian James Lifestyle Ltd (BFT Radio) – 25% shareholder

Lazy Gold Radio CIC – 5% shareholder

Derbys Community Radio CIC (BaD Radio) – 5% shareholder

Artcore Ltd – 5% shareholder

Next Gen Intelligence Academy CIC – 5% shareholder

Sanskar Radio Ltd – 5% shareholder

Psy-Qi Ltd (Learn 2 Rest Radio) – 5% shareholder

All of these proposed services are C-DSP services.

In addition, Dinesh Kotak is preparing to provide Sabras Sound, but this is a DSP service.

Demand or support from programme providers

- 4.4 Please provide in the table below (expanding the table if necessary) the names of providers (or prospective providers) of community or local digital sound programme services who have expressed their demand or support for the provision of the proposed multiplex service in the area to be served by the multiplex service. For reasons of transparency, the response to this question *must be answered below and should not be provided as a separate annex*. The evidence of the demand or support, such as signed heads of terms or emails, should be provided as a confidential annex, and relate only to the specific multiplex being applied for.

Name of service provider and station name (if known)	Proposed C-DSP or DSP	Nature of evidence of support provided
Body Fitness Radio	CDSP	Shareholder + Letter
Lazy Gold Radio	CDSP	Shareholder + Letter
BaD Radio	CDSP	Shareholder + Letter
Artcore Radio	CDSP	Shareholder + Letter
Next Gen Radio	CDSP	Shareholder + Letter
Sanskar Radio Limited	CDSP	Shareholder + Letter
Learn 2 Rest Radio	CDSP	Shareholder + Letter
Derby Community Rocks	(C)DSP? – They have not yet decided if they will be DSP/CDSP due to studio requirements	Shareholder + Letter
Sabras Sound	DSP	Letter

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Panj Pani Radio	DSP (Simulcast of Leicester CDSP)	Letter
Derby Gujarati Association	Hoping for CDSP, we need to check eligibility requirements	Letter
Poli Tank (EX-BBC, station name to be confirmed). Derby Banghra Radio (?)	DSP	Letter
Gulshan Radio	DSP	Letter
LCR2	DSP	Letter
Fun Kids Radio	DSP	Letter

5. Fair and effective competition

About this section

Section 51(2)(g) of the 1996 Act requires Ofcom to assess whether, in contracting or offering to contract with programme service providers, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of community and local digital sound programme services.

In assessing applications, we need to have confidence that the prospective small-scale radio multiplex licensee has approached a wide range of potential service providers. Negotiations that have taken place between the applicant and potential service providers need to have been demonstrably fair, and the terms of any contract for service provision must be fair and non-discriminatory.

Applicants should note there is one further question relating to fair and effective competition in Part B of the application form.

- 5.1 Please detail the measures that have already been taken, and will be taken before and during the licence period, to demonstrate that, in contracting or offering to contract with programme services providers, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of such services.

For example, how have you sought to engage a broad range of prospective service providers including those not directly involved as participants in the application and those who have decided not to proceed to express an interest or agree heads of terms at this stage, and how have you sought to make prospective service providers aware of your proposals and potential terms for carriage?

During the application stage we have been attempting to work with a number of local partners including Radio Ikhlas and others. However due to them being out of the country and other such situations, we have been unable to secure them as part of the partnership.

This somewhat delayed us making a public press release, but we have contacted a significant number of local radio stations, particularly new local radio stations, and have made offers to all.

In addition, we contacted a large number of community organisations and relevant individuals and outlined our proposals. The list of potential service providers above contains several such organisations who took up a slot following our contact.

Everyone will be paying the published rate card, there will be no discounts, and everyone interested in going on the multiplex will be welcomed, provided there is capacity.

If the reserved capacity is full then a CDSP may either go on a waiting list or pay the commercial DSP rates and go on the unreserved capacity (if there is space).

All of the CDSPs indicated in the list in 4.4 may have our preferential CDSP rate, even if it means the reserved capacity is over-subscribed, we will effectively honour CDSP rates on the unreserved capacity. However if these stations should at some point in the future stop broadcasting then they (or new CDSP stations) will only be able to get the preferential rates if there is space within the reserved capacity.

We will be delighted to take any potential service providers onto the multiplex, even if they are supporting another bid. We have not filled the multiplex yet.

If we are successful in our application

If we are successful, we will attempt to fill the multiplex in the following order:-

- 1: We will contact each service provider who has contacted us directly prior to the date of award and make an offer of carriage
- 2: We will then contact any service providers readily identifiable from any other potential bid for this area, making offers of carriage
- 3: We will then make offers to service providers who contact us after the license offer from Ofcom.

If during any one of these three stages the multiplex becomes full, we will allow the services who contacted us first onto the multiplex. We will continue to contact services in the above order, but instead place the services onto a waiting list, such that should a service fail to materialise by time of launch or a service leave the multiplex then there is an opportunity for all to be able to broadcast.

If the multiplex becomes “full” and there is no more capacity to accommodate any further services

If the multiplex becomes full, we will operate a waiting list. We will also approach all services on the multiplex asking if they would like to voluntarily reduce their occupied bitrate, in order to accommodate more services.

If there is a waiting list, we will favour services which cater for audiences unserved by the existing services carried on the multiplex, in order to provide maximum benefit for the maximum number of listeners.

6. Declaration

About this section

This form must be submitted by the body corporate which will hold the licence. The declaration must be certified by a company director or the company secretary, and covers all information provided by in the applicant in both Part A and Part B of the application form. The declaration must also be dated.

- a) I hereby apply to Ofcom for the grant of a licence for the small-scale radio multiplex licence described above and declare that the information given in this application form is, to the best of my knowledge and belief, correct.
- b) I further declare and warrant:
 - i) that the applicant is not a disqualified person within the meaning of that expression as defined in Part 2 of Schedule 2 to the Broadcasting Act 1990, as amended, or as a result of a disqualification order under section 145 of the Broadcasting Act 1996;
 - ii) that having made all reasonable enquiries neither the applicant nor any person controlling the applicant, as result of the grant to me of the licence, breach any requirement of Schedule 14 to the Communications Act 2003 with regard to the accumulation of interests in broadcasting services or to the restrictions on cross-media interests;
 - iii) that the applicant is not disqualified by virtue of the provisions of section 143 (5) of the Broadcasting Act 1996 in relation to political objects and the provisions of section 144 (3) of the Broadcasting Act 1996 in relation to the provision of false information or through the withholding of information with the intention of misleading Ofcom; and
 - iv) that no director or person concerned directly or indirectly in the management of the Licensee is the subject to a disqualification order as defined by section 145 (1) of the Broadcasting Act 1996.
- c) I understand that Ofcom reserves the right to revoke the licence (if granted) if at any time any material statement made to Ofcom is found to be false and to have been by the applicant or any member or officer thereof knowing it to be false. I also understand that under sections 144 and 145 of the Broadcasting Act 1996, the provision of false information could incur a criminal conviction and a disqualification from the holding of a Broadcasting Act licence. I further certify that, to the best of my knowledge, any matters which might influence Ofcom's judgement as to whether the directors and substantial shareholders involved in this application are fit and proper persons to participate in a radio licence, have been made known to Ofcom.

Full name (BLOCK CAPITALS) of the person authorised to make the application of behalf of the applicant:

DINESH KOTAK

Date of application:

13/10/2022

I am authorised to make this application on behalf of the applicant in my capacity as (delete as appropriate):

Company director.

You now need to complete the confidential section (Part B) of the application form.