
Small-scale radio multiplex licences

Guidance notes for applicants and licensees

GUIDANCE NOTE

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1. Overview

These notes are intended to help applicants for small-scale radio multiplex licences understand the licensing process, and to help new licensees understand their licence conditions and associated obligations. The guidance notes should not be relied upon as legal advice, nor be understood as modifying the effect of the statutory requirements or the conditions of the licence.

Applicants should seek their own legal advice on the licensing process and requirements, and when making their own independent assessment on the information that should be included in their application.

In providing the information in these guidance notes, Ofcom is not making, nor implying any judgements on the commercial prospects (or otherwise) of licensed services, or that they will be profitable.

Ofcom makes no representation or warranty, express or implied, with respect to information contained in these guidance notes (together with the standard form licence and other documents referred to in this document) or with respect to any written or oral information made or to be made available to any potential applicant or its professional advisers. Any liability therefore is expressly disclaimed.

These guidance notes may be updated from time to time. Licensees should check Ofcom's website to make sure they are using the most recent version. Ofcom may alter or correct any part of this document. Licensees should also be aware that certain key features such as fees, procedures and content codes, may also change in the future.

2. What is a small-scale radio multiplex licence?

- 2.1 Radio multiplex services are bundles of radio channels that have been digitised and compressed to use less spectrum, which are then transmitted using a single frequency block. Owners of DAB digital radios can listen to many channels broadcast by a (smaller) number of radio multiplex services. There are three types of radio multiplex service; national, local and small-scale.
- 2.2 Small-scale radio multiplex services (often referred to as ‘small-scale DAB’) are the most recent of the three types or ‘layers’ of multiplex, enabled by the Small-scale Radio Multiplex and Community Digital Radio Order 2019 which applies the Broadcasting Act 1996 with modifications for the purposes of licensing small-scale radio multiplexes. These multiplex services are intended to employ a way of transmitting digital radio that uses advances in software and low-cost computer technology to provide a flexible and inexpensive approach to the terrestrial broadcast of digital radio services to a relatively small geographic area. By targeting relatively small geographic areas, small-scale radio multiplex services provide a route to digital for existing community and smaller commercial analogue services (and brand new services) which wish to target a smaller area than the coverage area of a national or local radio multiplex.
- 2.3 A small-scale radio multiplex licence is required to operate a small-scale radio multiplex service. A separate licence is required for each multiplex being operated, and it is possible for a licensee to hold several such licences, subject to limitations explained in Section 3. A small-scale radio multiplex licence only covers the operation of the multiplex itself, and not the individual radio stations (known as ‘digital sound programme services’) transmitted by the multiplex. These radio stations require their own licences – either a [Community \(C-DSP\) licence](#) or a [standard \(DSP\) licence](#).
- 2.4 A [standard form small-scale radio multiplex licence](#) is available on the Ofcom website. We describe some key features of the licence in Section 5 but this is not intended to be exhaustive.

3. Information about applying for a small-scale radio multiplex licence

This section contains important information you should take into account before submitting your small-scale radio multiplex licence application form to Ofcom.

Eligibility and ownership restrictions

- 3.1 It is important to be aware of the eligibility and ownership restrictions in relation to a small-scale radio multiplex licence. Some of these are the same as apply to other types of Broadcasting Act licence, but others are specific to small-scale DAB1. These restrictions were included principally to restrict the extent to which there is overlap in the ownership of the national, local and small-scale layers of radio multiplexes, and to avoid concentration of ownership of small-scale multiplexes, particularly within a locality.
- 3.2 As is the case for local and national radio multiplex licences, and many other classes of Ofcom licence, disqualified persons under Part II of Schedule 2 of the Broadcasting Act 1990 cannot hold a small-scale radio multiplex licence. This includes certain types of 'political' body (such as a local authority or political party), religious bodies, bodies receiving more than 50% of their income from public funds, the BBC and S4C, and advertising agencies. It also includes bodies in which such groups or individuals are participants. We do not go into detail on these disqualifications in the notes of guidance, but ask relevant questions in the application form. We strongly recommend potential applicants which are or are linked to these types of potentially disqualified person to seek independent advice prior to application. We would not be able to award a licence to a disqualified person and would be required to take steps to revoke a licence if information emerged post-award that a licensee was disqualified.
- 3.3 The disqualifications which are specific to small-scale radio multiplex licences are contained in section 44A of the Broadcasting Act 1996 as modified by the 2019 Order. The first of these is that a licensee must be a body corporate.² There are a wide variety of types of body corporate including companies limited by shares, companies limited by guarantee, limited liability partnerships, and community interest companies. Individuals and unincorporated associations can hold some other types of Ofcom licence but they are disqualified from holding a small-scale radio multiplex licence. However, it should be generally relatively straightforward for a person or group in that position to establish a company which would be able to apply for and hold a licence.
- 3.4 Other disqualifications in section 44A are of relevance if the applicant, or a participant in the applicant, is already involved in operating other radio multiplexes (whether at the

¹ See, in particular, sections 44 and 44A of the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019.

² Section 44A(1)(a) of the 1996 Act as modified by the Order.

national, local, or small-scale layer) or in a national (analogue) sound broadcasting service. This is a complex area where applicants should seek independent advice where relevant, but we summarise the key provisions in the following paragraphs.

- 3.5 Those involved in a national radio multiplex or national sound broadcasting licensee
- 3.6 Holders of a national radio multiplex licence or national sound broadcasting licence, and those “connected” with such licence holders, are disqualified from holding a small-scale radio multiplex licence. Connected parties are defined in detail in the 1990 Act but, in summary, include those controlled by or controlling a licensee. This means that the licensee of a national radio multiplex³ or national sound broadcasting service⁴ cannot hold a small-scale radio multiplex licence, and nor can another member of its corporate group.⁵
- 3.7 A body covered by this broad disqualification can be a “participant” in a small-scale radio multiplex licensee (i.e. hold a legal or beneficial interest in shares or voting rights). However, there are two important limitations:
- a) Shareholding and voting rights are strictly limited to 30%. If a national radio multiplex or national sound broadcasting licensee (or connected person) have an interest of over 30% in a body corporate, that body corporate is disqualified from holding a small-scale radio multiplex licence.⁶
 - b) Additionally, a national radio multiplex or national sound broadcasting licensee (and connected persons) can only be a participant in up to six small-scale radio multiplex licensees. That is, even if they keep their shareholdings or voting interests below the 30% threshold, they cannot be a participant in more than six such licensees.⁷

Those involved in a local radio multiplex licensee

- 3.8 There is a more limited disqualification for local radio multiplex licensees and connected persons (again, this essentially covers members of their corporate group). These are disqualified from holding a small-scale radio multiplex licence, but only if the coverage area of their local radio multiplex service overlaps with that of the small-scale radio multiplex service in question.⁸
- 3.9 There is no materiality threshold in relation to the size of the overlap between the small-scale and local radio multiplex in question. Any overlap between coverage areas, regardless of how small, will trigger the disqualification.
- 3.10 A local radio multiplex licensee can, however, be a participant in an overlapping small-scale radio multiplex licensee (again, this covers shareholders or those with voting rights). This

³ There are the two national radio multiplexes held by Digital One and Sound Digital.

⁴ These are the national analogue commercial radio services that currently broadcast as Classic FM, Absolute Radio and Talk Sport.

⁵ Section 44A(1)(d) of the 1996 Act as modified by the Order.

⁶ Section 44A(1)(e) of the 1996 Act as modified by the Order.

⁷ Section 44A(1)(f) of the 1996 Act as modified by the Order.

⁸ Section 44A(1)(g) of the 1996 Act as modified by the Order.

participation is strictly limited to a 30% interest. If a local radio multiplex licensee (or connected person) has an interest of over 30% in a body corporate, that body corporate is disqualified from holding a small-scale radio multiplex licence.⁹

Those involved in other small-scale radio multiplex licensees

- 3.11 A corporate body can hold more than one small-scale radio multiplex licence. However, a licensee and connected persons (again, essentially members of its corporate group) cannot hold more than 20% of all such licences that have been granted¹⁰. There is a minor exception to this where fewer than twenty small-scale radio multiplex licences have been granted across the country, which is necessary to avoid a situation where the first few licence awards made would automatically trigger the disqualification. In effect this means that corporate groups can hold up to four licences without being concerned with this disqualification. However, if they wish to hold more than four, they need to check the number of licences that have been granted to judge whether they are at risk of triggering the threshold once 20 licences have been granted.
- 3.12 We would advise prospective licensees wishing to hold multiple small-scale radio multiplex licences, as a purely practical point, to build in a degree of headroom to avoid a situation where a third party surrendering a licence might push them into triggering the disqualification in future. For example, if a licensee held exactly 20 of 100 licences in issue, they would not trigger the disqualification. However, they would risk a situation where an entirely unrelated licensee surrendering their licence (so only 99 were in issue) would disqualify them in relation to all 20 licences. Holding 18 or 19 licences instead of the full 20 technically permitted would substantially reduce that risk.
- 3.13 Perhaps the most complex disqualification relates to situations where a small-scale radio multiplex licensee (or members of its corporate group) holds multiple licences whose coverage areas overlap with one and the same local radio multiplex coverage area “to a significant extent”. The legislation leaves it to Ofcom’s discretion to determine what this means, but we interpret significance in light of section 50(2)(c) of the 1996 Act, which refers to the desirability of ensuring, where a single small-scale radio multiplex overlaps with a local radio multiplex, the population in that overlap is less than 40% of the population in the coverage area of the local radio multiplex. With this in mind, we consider that the disqualification applies if a small-scale radio multiplex licensee holds licences which collectively cover more than 40% of the population covered by a single local radio multiplex. We have stated our intention to apply this strictly, so the 40% threshold cannot be crossed even by a small amount.
- 3.14 To provide some examples:
- a) If a licensee holds a single small-scale radio multiplex licence the coverage of which includes 20% of the population covered by a particular local radio multiplex licence, it can apply for and hold a further small-scale radio multiplex licence which extends that

⁹ Section 44A(1)(h) of the 1996 Act as modified by the Order.

¹⁰ Section 44A(1)(b) of the 1996 Act as modified by the Order.

overlap as long as the total overlap remains below 40%. So, even if this was a fairly large 15% overlap, say, with the local radio multiplex we would not consider this to trigger the disqualification.

- b) Similarly, a licensee could hold multiple small-scale radio multiplex licences with relatively minor overlaps with a single local radio multiplex (e.g. it might have two licences each covering a different 10% of the population of the local radio multiplex, and three more each covering 5% - this would be a total of 35% which would not trigger the disqualification).
- c) However, a licensee with a small-scale radio multiplex licence covering only fractionally under 40% of a single local radio multiplex would not be able to hold further licences overlapping, even only slightly, with that local radio multiplex. This is because any overlap, however small, leading to the 40% threshold being breached would trigger the disqualification.

Submitting a valid application

- 3.15 Please read these guidance notes carefully before applying for a licence. Section 4 sets out detailed instructions on how to complete the application form, which is divided into Part A (Public) and Part B (confidential). These guidance notes also contain important information that applicants and licensees need to know, so should be read in full.
- 3.16 These guidance notes and the application form may be revised from time to time. Applicants should check the Ofcom website prior to submitting their application to ensure that they have read and completed the current version of these documents.
- 3.17 Applications may be submitted in Welsh. Any application submitted in Welsh will be treated no less favourably than an application submitted in English.
- 3.18 If you still have a query, you can contact Ofcom by email (broadcast.licensing@ofcom.org.uk). We cannot provide legal advice or pre-approve applications but can answer general questions.
- 3.19 You must answer all questions in the application form and respond “N/A” to any questions that do not apply to the applicant. Please answer all questions as fully as possible, expand boxes or use extra sheets if required, and, if necessary, send copies of other documents to illustrate an answer. You must also provide the supporting documentation listed in these guidance notes (and in Section 7 of Part B of the application form).
- 3.20 We strongly prefer to receive application forms which have been completed on a computer -we request that applicants download the current editable version of the application form (which is divided into Part A and Part B) from our website and complete it on a computer. Ofcom will accept handwritten application forms but they must be filled in using block capitals. Ofcom will reject applications made using an old version of the form and any application forms that are illegible.
- 3.21 Ofcom will reject applications which do not meet the following criteria:

- a) The declaration at the end of each of Part A and Part B of the application form must be signed and dated.
 - b) The person who signs and makes the declarations on behalf of the applicant must be:
 - director of the company or the company secretary (where the applicant is a company); or
 - a designated member (where the applicant is a Limited Liability Partnership).
 - c) All supporting documents as requested in the checklist in Section 7 of Part B the application form must be supplied in legible form and translated into English or Welsh where applicable.
- 3.22 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 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.
- 3.23 Applicants must make their own independent assessment after taking their own professional advice and making such further investigations as they deem necessary on all relevant matters.

Supporting documentation

- 3.24 You must provide a range of supporting documentation when submitting the application form. Please refer to the checklist in Section 7 of Part B of the application form before submitting your application. Please note that we reserve the right to reject incomplete applications, so it is important you provide all necessary documents in your application.

Applicants should provide:

- A copy of the Memorandum and Articles of Association (or, if a body corporate without such, the nearest equivalent, along with a translation, if it is not in English), together with copies of any resolution amending or updating them. Please note, if the applicant's current Memorandum and Articles of Association are available on the Companies House website, this can be stated in question 3.9 of Part A of the application form and the documents do not need to be submitted with the application.
- Body corporates applying for a licence must provide an organisational chart showing the ownership structure of the applicant body, including percentages for shares held in it and for shares held by it in other companies to which it is connected.
- A copy of the last Annual Return (or if the entity is recently established such that it has not yet been required to make that return, a copy of all filings made to Companies House since incorporation).

- A copy of the most recent accounts of the applicant (not applicable to recently established entities).
 - A map of predicted coverage.
 - Electronic file of transmission characteristics.
 - Transmitter site photographs.
 - A project plan timeline for establishing the multiplex service.
 - A block diagram of the multiplex system.
 - Records of contact and discussion that have taken place with prospective programme service providers prior to, and during, the multiplex licence application process
 - Any proposed carriage contracts with programme service providers.
- 3.25 Please refer to the checklist in Section 7 of Part B of the application form for full details of the required supporting documents.
- 3.26 Ofcom will reject applications which are not supplied with the necessary documents in legible form.

How to submit the form

- 3.27 The application form (please ensure you complete both Part A and B) and required supporting documents must be submitted by email to broadcast.licensing@ofcom.org.uk by the specified closing-date. Handwritten applications and required supporting documents should be scanned and attached to an email.
- 3.28 You should receive an auto-response from broadcast.licensing@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 call Ofcom's Contact Centre on 0300 123 3333 and ask for the Broadcast Licensing team, who will be able to confirm if your application was received.
- 3.29 If there is a compelling reason why you cannot submit the application form and/or the supporting documentation by email, you must contact Ofcom in advance (at least one week in advance of any submission deadline) to discuss this. In such cases, please call Ofcom's Contact Centre on 0300 123 3333 and ask for the Broadcast Licensing team, or email broadcast.licensing@ofcom.org.uk. If permission is given, the applicant must write "Small-scale radio multiplex licence application" on the envelope.
- 3.30 Ofcom will send an acknowledgment of applications received by post within five working days of receipt.
- 3.31 Ofcom will reject applications submitted by post without Ofcom's prior approval.
- 3.32 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, or emails, clearly indicating the applicant's name in the subject line of the email.
- 3.33 Submission of an application will be taken as evidence that the applicant is willing to accept a licence if one is granted, on the terms set out in these guidance notes and in the standard form licence for a small-scale radio multiplex licence.

Fees

Application fee

- 3.34 The application must be accompanied by the application fee. Ofcom will not assess an application until the fees have been received in Ofcom's bank account.
- 3.35 The current application fee is £500 per application. The application fee is non-refundable.
- 3.36 Application fees are reviewed by Ofcom annually, and applicants should consult the Ofcom website for the most up-to-date fees. Our tariff tables are published no later than 31 March each year.
- 3.37 Ofcom strongly prefers payments to be made by bank transfer (BACS/CHAPS), with a confirmation of payment emailed to ofcom.remittances@ofcom.org.uk, copied to broadcast.licensing@ofcom.org.uk, immediately after the applicant has instructed their bank to make the payment.
- 3.38 To ensure that Ofcom can identify the payment, it must include a payment reference which is the applicant's postcode, in the case of a company, partnership or unincorporated body applying for the licence, the applicant's name will be the name of the company, LLP, partners or members of an unincorporated body who have applied for the licence, not the individual who has submitted the application on its behalf.
- 3.39 The bank details to be used to pay the application fee are:
- Account Name: Ofcom
- 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
- 3.40 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. You must state the name of the applicant as provided in response to question 3.1, Part A and the small-scale radio multiplex licence for which you are applying on the back of the cheque.
- 3.41 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. If an applicant's cheque bounces, the application will be rejected.

Annual licence fee

- 3.42 Each small-scale radio multiplex licensee is required to pay an annual Broadcasting Act licence fee. The annual licence fee for a small-scale radio multiplex licence is £500.

- 3.43 The licence fee is payable from the beginning of the licence period, which will be the date of the commencement of broadcasting of one or more services on the multiplex. This fee is payable for as long as the licence is in issue.
- 3.44 No fee will be payable in respect of the licence issued under the Wireless Telegraphy Act 2006.
- 3.45 Annual fees are reviewed by Ofcom annually, and applicants should consult the Ofcom website for the most up-to-date fees. Our tariff tables are published no later than 31 March each year.
- 3.46 If you are a licence holder, the four methods for paying your fees are set out below:
- 3.47 **Paying online:** For existing licensees, we offer the facility to pay for your annual licence fees online by credit or debit card, through our online payment portal. We accept all major credit/debit card types against any invoice with a value of up to £5,000. To use our online payment service, you will need your Customer Reference Number and Invoice Number, which can be found on your invoice. We know that security is an important concern for our customers when it comes to making online payments, therefore Ofcom works with Sage Pay, who holds a PCI DSS Certificate of Compliance for security, to ensure the protection of card details.
- 3.48 **Paying by BACS transfer:** annual licence fees can be paid directly by BACS transfer using your Invoice Number as a reference. Confirmation of payment, including your Customer Reference Number and Invoice Number, should be emailed to ofcom.remittances@ofcom.org.uk.
- 3.49 The bank details to be used to pay the application fee are:
- Account Name: Ofcom
- 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
- 3.50 Paying by Direct Debit: if you wish to pay your annual licence fee by direct debit, please submit a direct debit mandate form.
- 3.51 Paying by Cheque: please make your cheque payable to Ofcom quoting your Invoice Number on the reverse. Confirmation of payment, including your Customer Reference Number and Invoice Number, should be emailed to ofcom.remittances@ofcom.org.uk.

Assessment process

- 3.52 We will assess applications against the statutory assessment criteria and our general duties, based upon the proposals presented in the completed application. It is the

applicant's responsibility to ensure that submitted applications are complete and conform fully to the requirements set out above and in Section 4 below. Once received, no material amendments to the application may be made by the applicant nor any new material introduced, without the agreement of Ofcom. Ofcom will not agree to any such amendment which it considers would prejudice the public consultation on the applicant's proposals or would be unfair to any other applicant for the licence.

- 3.53 In the course of assessing applications, Ofcom may seek clarification and/or amplification of proposals in any application and require any applicant to furnish such additional information in such form or verified in such manner as we may specify. This will usually be done through questing by a single letter, which will be sent to the individual nominated in the application. Further questions, if appropriate, may be put by telephone, or by e-mail, as well as by letter.
- 3.54 The award decision will be announced as soon as practicable after it has been taken. Where awards have been made, we also propose to publish the key determining factors which led to our decision. Note: we intend to award only one small-scale radio multiplex licence for each area that we advertise (i.e. we have no plans to award additional small-scale radio multiplex licences for a given area once a small-scale radio multiplex service has been licensed by us to serve that area).

Timescales for assessing applications

- 3.55 As a guideline, our aim is to reach an award decision on a licence within six months of the closing-date for applications, though it may take longer for us to assess applications if there are particularly high numbers of applicants for particular licences. The timeframe also assumes that full and accurate information has been provided by the applicant in the application form and accompanying documentation. Applications will not be assessed until all the requested information has been submitted.
- 3.56 Note that applications for which potential issues arise relating to ownership restrictions and eligibility requirements may take longer to assess.

Publication of information about applications and licensed services

- 3.57 The application form is in two parts. Part A contains non-confidential information and part B contains confidential information. Part A will be published on Ofcom's website following the closing-date for applications. Ofcom will take into account any comments received from the public, which can be made to it with respect to the applications submitted.
- 3.58 In submitting an application you agree that, should a licence be granted, Ofcom may publish contact details for the licensee (specified in Part A of the application form), which may include personal data, on the Ofcom website and/or in other relevant publications. 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 (broadcast.licensing@ofcom.org.uk).

- 3.59 Ofcom considers issued small-scale radio multiplex licences to be public documents and will make copies of licences available to third parties on request.
- 3.60 Ofcom publishes a monthly radio licensing update which lists new services licensed, licences revoked, licence transfers, and changes to the name or nature of the licensed service during the past month.

Data protection

- 3.61 We require the information requested in the application form and information requested following the award of a licence 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 further information about how Ofcom handles your personal information and your corresponding rights.

Keeping up to date with broadcasting matters

- 3.62 We strongly recommend that the appropriate person at the applicant body signs up to receive Ofcom's regular email updates on broadcasting matters, including notification when the Broadcast and On Demand Bulletin is published.
- 3.63 To sign up to receive these communications, go to the email updates area of our website and select 'Broadcasting.'

4. Completing the application form

This section of the guidance notes provides information on the sections of the small-scale radio multiplex licence application form, to help you fill in your application correctly.

Applicant's details

The following information relates to completing Section 3 of Part A and Section 2 of Part B of the application form.

- 4.1 Applications should be made in the name of a single legal entity; this must be a body corporate. If the application is successful, Ofcom will award the licence to the legal entity named in the application.
- 4.2 The details requested in this section include company registration number and contact information. We are asking for this information so that Ofcom knows precisely who to contact at the applicant company during the application process and if a licence is granted.
- 4.3 If you are granted a licence, it will be a condition of your licence that the licence holder must notify Ofcom as soon as possible of certain changes to the information provided in this section.
- 4.4 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.
- 4.5 The applicant is asked for contact details for the following contacts:
 - **Person authorised to make the application:** This is the person who is duly authorised by the applicant for the purposes of making the application. If the applicant is an individual their details will need to be provided. If the applicant is a company, details of the company secretary or a director must be provided.
 - **Licence contact:** The licence contact is the day-to-day contact for Ofcom on licensing matters. Examples of the type of communication between the licence contact and Ofcom could be questions regarding ownership of the licensee company; changes to the licence; and responding to information requests.
 - **Billing/Finance contact:** Contact details for Ofcom regarding invoicing/payment of annual licence fees.
 - **Public contact:** Contact details for publication on the Ofcom website and/or in other relevant Ofcom publications. When a licence is granted, the name of the service, contact details for the licensee and a brief description of the licensed service are published on the Ofcom website.
 - **Technical contact:** Contact details for Ofcom regarding any technical queries.
 - Details of officers, participants and shareholders of the applicant

Details of officers, participants and shareholders of the applicant

The following information relates to completing Section 3 of Part A of the application form.

- 4.6 A small-scale radio multiplex licence can only be held by a body corporate. Therefore, unlike some other categories of Ofcom licence, which can be held by individuals, unincorporated bodies or partnerships which are not incorporated as LLPs, this Section is relevant to all applicants.
- 4.7 Before completing Section 3 of Part A of the application form, you should read Ofcom’s guidance on the definition of ‘control’ of media companies.
- 4.8 Certain persons are disqualified from holding a broadcast 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 broadcast licence.
- 4.9 In Section 3 of Part A, we are asking for details of the directors or designated members, its shareholders and participants. Where applicable, we are also asking for details of the directors or designated members of the applicant’s parent and associated companies etc.
- 4.10 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.
- 4.11 The response boxes and tables should be expanded or repeated where necessary or provided in a separate annex.
- 4.12 ‘Officerships’ in this section refers to: directorships of bodies corporate and designated memberships of LLPs.

Eligibility requirements

The following information relates to completing Section 3 of Part A and Section 4 of Part B of the application form.

- 4.13 Ofcom has a duty to ensure that anyone who applies for a broadcasting licence is fit and proper to hold one.¹¹
- 4.14 When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at – for example – whether individuals who are likely to exercise control over the applicant and its activities (e.g. directors, substantial shareholders or members) have any criminal convictions (in any jurisdiction), or whether they have ever been declared bankrupt.
- 4.15 In addition, certain categories of people are disqualified from holding a licence or participating above a certain level in a body which holds a licence. These restrictions are set out in Part 2 of Schedule 2 to the Broadcasting Act 1990.

¹¹ Under section 3 of the Broadcasting Acts 1990 and 1996.

- 4.16 Some questions ask for previous licence numbers (if known). If these are not known, please provide the licence type.
- 4.17 In determining whether a person is “fit and proper”, a number of issues will be considered which could include, but are not limited to:
- Unspent criminal convictions;
 - Bankruptcy and insolvency;
 - Disqualification of directors;
 - Removal from a professional or trade body; and
 - Previous broadcasting compliance history (e.g. licence applications, sanctions).
- 4.18 Some questions in this section ask for previous licence numbers (if known). If these are not known, please provide the licence type.
- 4.19 Information provided in this section of the form will not necessarily result in the applicant being refused a licence – this will depend on all the circumstances of the applicant as a whole – but Ofcom may ask for further details.
- 4.20 If information is relevant to determining whether an applicant is a disqualified person, it is an offence for the applicant to supply false information or to withhold information with the intention of misleading Ofcom. If a person is convicted in such cases, the court may make an order disqualifying the applicant from holding a licence for a specified period. A disqualification order applies to both the individual concerned and to any company of which he or she is a director or involved in the management of (whether directly or indirectly).
- 4.21 If the applicant or the form signatory fails without reasonable excuse at the date of signing the declaration in Section 8 of Part B 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 that into account when determining the question of whether the applicant/licensee remains fit and proper to hold a licence.

Disqualifications/ownership restrictions

- 4.22 There are two categories of disqualifications relevant to small-scale radio multiplex licences. The Broadcasting Act 1990¹² lays down restrictions on who may hold Ofcom’s broadcasting licences. These apply to many types of Ofcom broadcasting licence in addition to small-scale radio multiplex licences. The Broadcasting Act 1996¹³ has more specific restrictions relating to small-scale radio multiplex licences, and particularly overlaps in ownership with other types of licensee. These latter restrictions are set out in Section 3 of this document.

¹² As amended by the Broadcasting Act 1996 and the Communications Act 2003.

¹³ See, in particular, section 44A of the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019.

- 4.23 Under the general disqualifications in the Broadcasting Act 1990, the following are among those who are disqualified from holding a small-scale radio multiplex licence or from controlling a licensed company:¹⁴
- A local authority;¹⁵
 - A political body;
 - a religious body, other than where Ofcom is satisfied that it is appropriate for a particular person to hold a licence and makes a determination to that effect. If you wish to seek such a determination, please consult the [Ofcom guidance for religious bodies applying for a Broadcasting Act licence](#);
 - any company controlled by any of the above or by their officers or associates;
 - an advertising agency, or any company controlled by such an agency or in which it holds more than a 5 per cent interest;
 - another publicly funded body;
 - Anyone who has been convicted of any offence under the Wireless Telegraphy Act 1949 or Marine & c., Broadcasting (Offences) Act 1967, or of an offence under section 97 of the Broadcasting Act 1990 or section 145 of the Broadcasting Act 1996 is disqualified from holding a Broadcasting Act licence.
- 4.24 If information is relevant to determining whether an applicant is a disqualified person, it is an offence for the applicant to supply false information or to withhold information with the intention of misleading Ofcom. If a person is convicted in such cases, the court may make an order disqualifying the applicant from holding a licence for a specified period. A disqualification order applies to both the individual concerned and to any company of which he or she is a director or involved in the management of (whether directly or indirectly).
- 4.25 If the applicant or the form signatory fails without reasonable excuse at the date of signing the declarations in both parts of the form 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 that into account when determining the question of whether the applicant/licensee, remains fit and proper to hold a licence.

Extent of proposed coverage area (Part A)

The following information relates to completing Section 2 of Part A of the application form.

- 4.26 In this part of your application you will need to tell us about the coverage that you expect your multiplex to achieve.

¹⁴ In accordance with the Broadcasting Act 1990 (as amended).

¹⁵ Except where the service is provided exclusively for the purposes of carrying out the functions of a local authority under Section 142 of the Local Government Act 1972 (as amended) provision by local authorities of information relating to their activities.

- 4.27 The coverage and transmitter network you propose in the application will form a major part of our assessment. If you are awarded a licence, the proposals will form part of the licence award and will become a licence commitment that you will be obliged to build.
- 4.28 Ofcom accepts that some changes to the proposed network may be unavoidable, for example amendments might be required if you have practical difficulties when finalising the design of your sites. However, if the network cannot be implemented substantially as proposed, we may need to consider revoking your licence award. In areas where competing applications were received, we will not be able to agree large deviations from what you proposed in your application and you should therefore ensure you are realistic in your choice of coverage and transmitters.
- 4.29 In particular, you should set out in the application only the coverage and transmission network that you can commit to building and realistically expect to have on air within 18 months following licence award. We will consider only coverage that you undertake to deliver within 18 months and not any longer-term coverage aspirations. If your network consists of more than one transmitter, you would not be required to implement all transmitters at the same time, but all transmitters must be implemented within 18 months of licence award.
- 4.30 While it may be possible to enhance a transmitter network with Ofcom's consent post-award, this cannot be guaranteed. In any case, it is unlikely that Ofcom will be able to approve enhancements until all small-scale radio multiplex licences are awarded and implemented, particularly in surrounding areas where Ofcom will need to take account of other licensees' coverage aspirations. Further information on post award changes is provided in Section 5 of this document.

Description of coverage area (Part A Q2.1)

- 4.31 This question asks you to provide a summary of the coverage that you expect your proposed transmitter(s) to achieve. You should describe the geographical areas within the advertised area and also outside the advertised area that you expect to serve, and can refer to the coverage prediction map that you will need to provide as set out below.

Coverage prediction map (Part A Q2.2)

- 4.32 You are required to provide a map showing the coverage that your proposed transmitter(s) expect to achieve. The map should only include coverage provided by the transmitters you are committing to build within 18 months if you are awarded a licence. The map should show the areas where signal levels are predicted to be equal to or greater than 63 dB μ V/m at 10m above ground level. The map should also show the outline of the advertised area of the licence for which you are applying.
- 4.33 Ofcom has made available on its website [outlines of all the advertised licence areas in Geographic Information System \(GIS\) format](#) so that applicants can import the relevant advertised area shape into a mapping tool.

Method and models used for estimating coverage (Part A Q2.3)

- 4.34 In the text box in Part A Q2.3, applicants should describe the method they have used to predict coverage. Please enter details of the tool used to predict coverage and produce the map provided in response to Part A Q2.2.

Ofcom assessment of an applicant's coverage

- 4.35 Ofcom will assess an applicant's proposed coverage based on the definition of useable indoor reception contained in our [Digital Radio Technical Code](#). This equates to a field strength of 63 dB μ V/m at 10m above ground level (agl). We will assume all coverage to be noise limited and will not take into account interference from other services using the same frequency either in the UK or in other countries. This is because we do not have information for unimplemented small-scale DAB areas, or when other countries will make use of their agreed spectrum rights in this band.
- 4.36 Ofcom will not assess mobile or outdoor coverage (which equates to a field strength of 54 dB μ V/m at 10m agl). Although outdoor coverage will be possible, we cannot protect all of the areas served down to 54 dB μ V/m when other services make use of the same frequency block elsewhere. Applicants should therefore note that the mobile coverage area is likely to change over time as more services come on-air.
- 4.37 Ofcom will use the commercially available ATDI HTZ Communications frequency planning tool for the assessment of small-scale DAB coverage, as well as for assessing overlaps and interference described later in this section. The tool settings and datasets are detailed in Ofcom's [Technical Policy Guidance for DAB Multiplex Licensees](#). Other suites of planning software are available, as are companies providing consultancy services in this field. Use of different planning tools, datasets and planning algorithms will give different outputs (sometimes significantly so). However, to provide a like for like comparison of – and between – applications Ofcom will use the HTZ Communications tool. Ofcom's interpretation and assessment of coverage predictions will be final.

Extent of proposed coverage area (Part B)

The following information relates to completing Section 3 in Part B of the application form.

Technical plan: transmission characteristics

- 4.38 In this part of the application form you are asked to provide information on the transmission characteristics of your proposed transmitter(s). This information will be used by Ofcom to verify:
- the coverage that your transmitter(s) might achieve both inside and outside the advertised licence area;
 - the amount by which your coverage area overlaps with the licensed area of any local radio multiplex services;

- c) the amount of interference your transmitters would put into the licensed areas of other small-scale or local radio multiplex services where all of the multiplex services are either using, or are planned to use, the same frequency; and
- d) that the signal levels your transmitter(s) put into any country outside the UK is within the international rights we have agreed with those countries.

Table of transmission characteristics (Part B Q3.1)

- 4.39 Applicants will need to supply their transmission characteristics (transmitter locations, powers etc.) in a separate electronic file to ensure that Ofcom can process applications in an accurate and consistent manner. A [transmission characteristics template spreadsheet](#) in the required format (also containing example site data) is available for applicants on the Ofcom website.
- 4.40 A single row of values must be given for each proposed transmitter site. The information required in the file is as follows:
- Column A – Enter the word ‘Site one’, ‘Site two’ on subsequent rows up to the number of transmitters that you are proposing;
 - Column B – the name of the licence for which you are applying;
 - Column C – the name of the proposed transmitter site;
 - Column D – the address of the site including a post code where available;
 - Column E – the national grid reference of the site to 10 metre accuracy in the format: AB12345678 (for GB National Grid references) or A12345678 (for Irish National Grid References);
 - Column F - the height of the site in metres above mean sea level;
 - Column G – the proposed maximum effective radiated power¹⁶;
 - Column H – the antenna height in metres above ground level;
 - Column I – whether the antenna is directional (D) or non-directional (ND);
 - Column J to AS – the antenna pattern in the horizontal plane. This should be presented as 36 integer values in decibels at 10-degree intervals starting from 0° through to 350°. The values should be normalised so that 0dB corresponds to the peak gain of the antenna. The template spreadsheet contains examples of both directional and omni-directional (non-directional) antenna patterns.

Guidance on transmitter characteristics

- 4.41 There is only a limited amount of spectrum available for small-scale radio multiplex services. Each frequency will need to be used many times across the UK by different multiplexes. For this to be possible, each small-scale DAB transmitter network will need to be designed to minimise outgoing interference to others using the same frequency.

¹⁶ Effective Radiated Power or ERP is the product of the transmitter’s output power multiplied by the net antenna gain. The net antenna gain is the maximum antenna gain reduced by the loss of the feeder cable and any filtering between the transmitter and antenna. Example: a 100 watt transmitter feeding a 6dB gain antenna (6dB gain is a x4 power gain) via a feeder with 3dB loss (3dB loss is a halving of power, or x0.5 gain) would have an ERP of 200 watts (100W x 4 x 0.5)

- 4.42 Applicants should therefore take the following guidance into account when designing their transmitter networks:
- a) Main transmitters should have effective radiated powers of no greater than 100-200 watts, with 'filler' transmitters being significantly lower in power. Keeping to modest powers will also help to minimise hole punching to the coverage of other DAB services;
 - b) Any transmitter at the periphery of the coverage area should have a directional antenna with the main beam directed into the advertised licence area;
 - c) Transmitters should only be located within the advertised licence area;
 - d) Omni-directional antennas should only be used close to the centre of the advertised licence area; and
 - e) Use of terrain shielding can be effective in reducing outgoing interference.

Single frequency networks (Part B Q3.2)

- 4.43 If you are proposing to build more than one transmitter you will need to operate them as a single frequency network ('SFN') to ensure they do not interfere with each other (and thereby significantly reduce the effective coverage of the multiplex). Implementing this type of network requires all transmitters to carry the same information, to be synchronised and locked with each other so that the signal from each transmitter combines constructively with those transmitted by the others rather than causing destructive interference.
- 4.44 The radiated signals must be transmitted within a small time window such that the signals from each transmitter (including reflections) should arrive within 246 μ S of each other at receivers within the target coverage area. Establishing and maintaining a SFN is likely to require some technical expertise. If the transmitters drift out of synchronisation then areas of interference will begin to appear. These areas will grow as the drift increases.
- 4.45 Although the use of SFNs is more technically challenging than using a stand-alone transmitter, an SFN has significant benefits due to the diverse signal paths from the transmitters to the receiver and the constructive addition of the wanted signals. This can lead to a reduction in the number of reception holes (areas of poor or marginal reception within the overall multiplex coverage area). Using multiple modest-power transmitter sites instead of a single high power transmitter also allows the service area to be planned to more precisely to match the wanted coverage area while helping to manage outgoing interference. Deploying additional sites does obviously raise the cost of the network, but one DAB multiplex is able to carry many services.
- 4.46 If you are proposing to operate a SFN, please tell us in the answer box how you propose to establish and maintain the synchronisation between transmitters.

Extent of proposed coverage area: general information applicable to both Parts A and B

- 4.47 Ofcom is not asking specific questions on the matters listed in paragraphs 4.50-4.79 and applicants do not need to provide any information or respond to any of these points. We are providing this information to assist applicants in developing technical proposals that will be compliant with the requirements of the licence advertisement and the underlying legislation.
- 4.48 In designing the coverage that their transmitter(s) will achieve, applicants should carry out sufficient work to satisfy themselves that:
- a) The proposed coverage will serve the intended number of households within and outside the advertised licence area;
 - b) The number of people contained in any coverage falling outside the advertised licence area does not exceed 30% of the total population within the advertised licence area;
 - c) The proposed coverage does not overlap more than 40% of the population within any local radio multiplex service's licensed area; and
 - d) The proposed transmitter(s) will not cause significant interference to other radio multiplex services. This means signal levels must be below 38 dB μ V/m in the licence area of any other small-scale radio multiplex service using the same frequency block elsewhere, or 29 dB μ V/m in to the licence area of local or national radio multiplex services using the same frequency block elsewhere.
- 4.49 Ofcom will carry out assessments of each of the above criteria using the Transmission Characteristics information provided by applicants in Part B of the application form.
- 4.50 Ofcom strongly advises applicants to carry out their own assessments of each criterion listed above to satisfy themselves that the transmitter(s) they are proposing will serve the areas and number of people intended, as well as being compliant with the overspill, overlap and interference requirements.
- 4.51 Ofcom will reject applications if either the amount of coverage outside the advertised licence area is excessive or the degree of overlap with a local radio multiplex service would exceed the permissible amount, or interference into other licence areas would be significant.

Frequency planning software

- 4.52 In order to provide an assessment of coverage, both within and outside of the advertised licence area, and of any overlap with local radio multiplex services and interference to co-block small-scale radio multiplex services, frequency planning software will be required. Additionally, the use of geographical information system (GIS) mapping software might be required. A range of companies offer frequency planning services and applicants may choose to contract this work to third-party specialists.

- 4.53 For applicants' analyses of their coverage, Ofcom has provided files on its [website](#) containing the following data:
- The contour and population for every small-scale radio multiplex licence area in MapInfo Interchange Format,
 - All small-scale radio multiplex licence areas as a single Google Earth (KML) file,
 - A raster graphic map (in PNG format) file of every small-scale radio multiplex licence area,
 - The contour and the population file for each local radio multiplex service licensed area in MapInfo Interchange Format,
 - A population file (adults aged 15+) for the whole UK.
- 4.54 As small-scale radio multiplex services come on-air their predicted coverage areas will be published.
- 4.55 Files made available in the MapInfo Interchange Format of the MapInfo GIS tool used by Ofcom can be imported into other GIS such as ArcView and QGIS as well as some frequency planning tools.

Coverage area

- 4.56 Using the HTZ planning tool with settings detailed above, Ofcom will assess the likely coverage that could be achieved by transmitters with the characteristics listed in the electronic file provided in response to Part B Q3.1. We will count coverage as any area where the proposed transmitters are predicted to provide a provide a signal strength of at least 63 dB μ V/m at 10m agl.

Population estimates

- 4.57 When assessing population we will consider the following:
- a) the adult population (aged 15+) contained in the areas served by a signal strength of at least 63 dB μ V/m at 10m agl that are inside the advertised licence area;
 - b) the adult population (aged 15+) contained in the areas served by a signal strength of at least 63 dB μ V/m at 10m agl that are outside the advertised licence area;
 - c) the total population that is contained in the advertised licence area you are applying for (this information is contained in the licence advertisement).
- 4.58 We will use these figures to assess how much of the licensed area your proposed transmitter network will serve and also to assess what percentage lies outside the licensed area. The percentage of coverage outside of the advertised licence area should not exceed 30% of the total advertised licence area population.

Overlap with local multiplexes

- 4.59 The Small-scale Radio Multiplex and Community Digital Radio Order 2019 stipulates that where the area or locality for which the service is provided does not overlap with the

coverage area of a local radio multiplex service, the size of that area or locality is not larger than 7,500 square kilometres. This 'hard' limit would only apply to those parts of Scotland where no local radio multiplex service presently exists. The largest licence area in the Ofcom small-scale DAB plan is approximately 2,000 square kilometres less than this limit, therefore we do not expect the limit to be an issue in practice.

- 4.60 Where the coverage of a small-scale radio multiplex service overlaps that of a local radio multiplex service, the same legislation sets out that it is desirable for Ofcom to have regard to ensuring that the population of the overlapping area is less than 40% of the population contained in the licensed area of the local radio multiplex service.
- 4.61 Other than in any exceptional circumstances specified by Ofcom in the advertisement, applicants should therefore ensure that the coverage provided by their proposed transmitter arrangement does not overlap any local radio multiplex service's licensed area by more than 40% of the population in the local radio multiplex service's licensed area (which is likely to be larger than the coverage area of the local radio multiplex service).
- 4.62 Ofcom will assess the adult population within the licence area of each local radio multiplex service that is predicted to be also served by the applicant's small-scale radio multiplex service (i.e. a signal level of at least 63 dB μ V/m at 10m above ground level). Applicants should note that their coverage must not serve more than 40% of the population contained in the licensed area of any local radio multiplex service.
- 4.63 If your predicted coverage falls entirely within the advertised licence area, you do not need to carry out this assessment as Ofcom has designed all advertised licence areas to fall below the 40% overlap limit with local radio multiplex services
- 4.64 Even if your coverage is contained within an advertised licence area, you must consider overlaps if you are intending to apply for more than one small-scale radio multiplex licence which overlaps with the same local radio multiplex service's licensed area. There are restrictions on corporate bodies and/or connected persons from holding two or more small-scale radio multiplex licences that overlap the same local radio multiplex service to a significant extent (see paragraphs 4.22 and 3.13-3.14 above). Applicants that intend applying for more than one small-scale radio multiplex licence whose coverage might overlap the same local radio multiplex service, must also satisfy themselves that the total coverage of their proposed small-scale radio multiplex service does not cover more than 40% of the people contained within that local radio multiplex service's licensed area.

Outgoing interference

- 4.65 There are six frequency blocks (7D, 8A, 8B, 9A, 9B and 9C) that Ofcom intends using to accommodate small-scale radio multiplex services where possible. These blocks will be

clear of other users in the UK by the time we commence awarding small-scale radio multiplex licences¹⁷.

- 4.66 As there are potentially more than 200 small-scale radio multiplex services to be licensed, those six frequencies will need to be used many times over across the UK. It is possible for different services to use the same frequency in different parts of the country if the technical parameters of each are planned carefully to prevent interference occurring between users of the same frequency (this is known as co-block interference). In the six frequency blocks, any co-block interference would occur between a small-scale radio multiplex service and other small-scale radio multiplex services elsewhere.
- 4.67 In some areas of the UK, the six frequency blocks will not be sufficient to accommodate all of the potential small-scale radio multiplex services we have planned. In addition, not all six blocks will be available across the whole of the UK, principally due to international constraints. Where possible, in such areas Ofcom intends making available frequency blocks in the range 10B to 12D which are used by local radio multiplex services elsewhere in the UK. In these areas, co-block interference may occur between a small-scale radio multiplex service, other small-scale radio multiplex services and local radio multiplex services.
- 4.68 In our in our [Statement on Licensing small-scale DAB](#), we set out the following:
- a) A small-scale radio multiplex service using one of the six frequency blocks (7D, 8A, 8B, 9A, 9B and 9C) will be limited to transmitting no more than 38 dB μ V/m into the coverage area(s) of any other small-scale radio multiplex service(s) using the same frequency block.
 - b) Where a small-scale radio multiplex service uses one of the frequency blocks 10B to 12D, this level will be reduced to 29 dB μ V/m to protect the mobile coverage of local or national radio multiplex services.
 - c) The small-scale radio multiplex service can generally expect to receive incoming interference of no more than 38 dB μ V/m from other radio multiplex services using the same frequency block, except in small parts of its licensed area.
- 4.69 The above figures are based on a wanted signal of 63 dB μ V/m for small-scale DAB¹⁸, 54 dB μ V/m for local and national DAB¹⁹, and a protection ratio²⁰ of 25 dB.
- 4.70 Therefore, the incoming interference within a small-scale radio multiplex licence area using the same frequency block should not normally exceed 38 dB μ V/m at 10m above ground level (63 dB μ V/m – 25 dB = 38 dB μ V/m). Where a small-scale radio multiplex service uses a

¹⁷ Some of the small-scale trials make use of the six frequency blocks. These trial licences will be revoked when we have awarded small-scale radio multiplex licences for the same or similar areas. Participants in the trials will have the opportunity to apply for small-scale radio multiplex licences broadly covering the areas they currently serve when they are advertised, although some differences in potential coverage should be expected.

¹⁸ Representing the level required for indoor coverage

¹⁹ Representing the level needed for outdoor (in car) coverage

²⁰ Protection ratio is a ratio of the wanted to unwanted signal. In this example, the wanted signal needs to be 25dB greater than the unwanted signal.

block between 10B to 12D and a local or national DAB service requires protection, the interference within the local or national DAB licence area will need to be limited to 29 dB μ V/m. The advertisement will set out the frequency block intended to be used for each small-scale radio multiplex services and which other proposed services are planned to use the same frequency block.

- 4.71 There are two regions of the country known as ‘macro areas’ where Ofcom’s preliminary assessment is that there is insufficient spectrum available in either the six blocks (7D, 8A, 8B, 9A, 9B and 9C) or in the range 10B to 12D to accommodate all of the identified small-scale radio multiplex service licence areas. This assessment is, however, based on notional transmitters serving all of the licence area rather than networks that applicants might actually propose based on their own coverage aspirations. Once we have received applications and have more insight into what coverage is being sought by applicants, Ofcom will assign frequencies to the advertised licence areas with the aim of licensing as many small-scale radio multiplex services as possible within the limited spectrum resources available. As we will not be able to stipulate in advance exactly which frequency block will be assigned to a particular licence area, applicants for licences within the macro areas will not need (or be able) to carry out an assessment of co-block interference.
- 4.72 When assessing the incoming interference to a co-block small-scale radio multiplex service licence area, Ofcom will exercise some flexibility. We will consider where any interference falls and may allow some interference above the threshold in areas of small-scale or local radio multiplex licence areas which are less populated and/or have fewer major roads. For example, higher levels of interference in some unpopulated upland areas may be acceptable.

Changes to the small-scale DAB spectrum plan

- 4.73 Ofcom may need to make changes to the spectrum plan for future small-scale radio multiplex services if it becomes necessary. A non-exhaustive list of the reasons we may need to implement such changes is provided below:
- a) To take account of implemented networks, especially where only a small part of an advertised licence area is being served;
 - b) To revise the plan should particular licences receive no applications;
 - c) If there is a requirement to add areas to the plan; and
 - d) To reflect the impact of changes in the frequency usage of neighbouring administrations and consequential changes to our plans for coordinating frequency use in the UK.
- 4.74 With the exception of possibly changing frequency block (for reasons including those listed above), Ofcom does not expect to need to require existing licensees to make changes to their on-air transmission network, or lose the ability to implement sites that they have committed to build. While such changes will leave some flexibility for licensees, it might restrict opportunities to significantly enlarge their coverage.

Frequency changes

- 4.75 As mentioned above, usage of the spectrum by neighbouring administrations is not yet fixed. Consequently, it is possible that the level of incoming interference on small-scale DAB frequencies could increase significantly at some time in the future. Ofcom will try to identify such issues at the time of the licence advertisement. In the most problematic cases Ofcom will endeavour to identify an alternative frequency for the affected multiplex(es). Such a frequency change would be carried out at the licensee's own cost. In planning their transmission equipment, licensees may need to consider how the cost of such a frequency change might be minimised through the use of frequency agile components.

Non-compliant applications

- 4.76 It is to be expected that the technical proposals contained in some applications received by Ofcom may raise issues of compliance (for example, if we establish that the applicant's planned population coverage overlaps that of a local radio multiplex service by more than 40%). Where there is a single applicant for a licence we may be willing to discuss alterations to transmission plans with applicants in order to achieve compliance. However, we reserve the right to reject non-compliant applications and, whilst we may clarify points of detail with particular applicants where multiple applications are received, it will not be possible in the interests of fairness to compliant applicants to allow substantive changes.

Ability to establish the proposed service (Part A)

The following information relates to completing Section 3 of Part A of the application form.

- 4.77 One of the requirements of small-scale DAB legislation is that services must be on-air within 18 months of the licence award. This legal requirement means that Ofcom has very limited circumstances under which this might be extended. To assess an applicant's ability to establish a small-scale radio multiplex service, Ofcom will require applicants to provide a detailed account (and plans) reflecting their understanding of what they consider to be required to bring the service on-air successfully.

Financial resources

- 4.78 In Q3.24 of Part A of the application form, we ask you to set out what you believe the cost of establishing your small-scale radio multiplex service will be, broken down into the main constituent parts. This is likely to include (where applicable) costs such as the cost of equipment, transmitter site rental, office and staff/ contractor costs.
- 4.79 Q3.24 also asks you to set out how these costs will be met. We would expect the following (where applicable) to be included in your response:
- Evidence of guaranteed funding.
 - Evidence of existing assets.
 - Initial charges to programme services to be carried on the multiplex service that will be used to meet the costs.

- Evidence of any other funding sources.

4.80 In the course of assessing this part of your application, Ofcom may request evidence of funding and/or projected costs. This could include, for example, documents such as bank statements or written cost estimates or heads of terms agreements from third party suppliers or contractors.

Relevant expertise and experience

4.81 In Q3.28 of Part A of the application form, we want to know the identity of the individuals in the applicant group, or the details of outsourced contractors, who will be carrying out the installation and maintenance of your transmission and multiplexing systems. This should include a brief summary of the individual or company's experience to date. Similarly, we will also need details of who will be carrying out the day-to-day management (both technical and general) of the multiplex once it has launched.

4.82 As with your response to Q3.28, Ofcom may request evidence of a person's (or company's) experience and qualifications. This could include, for example, requests to see CVs, references or certificates of qualification.

4.83 We ask you to outline the status of the contractual negotiations with any third parties or contractors that you intend using to install and maintain transmission or multiplexing equipment, or to provide general day-to-day management of the multiplex.

Timetable for coverage roll-out (Part A Q3.30)

4.84 Q3.30 in Part A asks you to provide a description and an outline project plan with timeline (for example a Gantt chart) of the main activities that you plan to undertake to launch your small-scale radio multiplex service. You can find a non-exhaustive list of some of the activities in Section 5 of this document.

Ability to establish the proposed service (Part B)

The following information relates to completing Section 5 of Part B of the application form.

Confidential appointments

4.85 Further to paragraphs 4.81 to 4.83 (above), Q5.1 of Part B of the application form asks you to provide details of any individuals or contractors who will be involved in the management and operation of the multiplex service, but who cannot be identified at this stage. As with the individuals or contractors who can be listed in Part A of the application, we may, on a confidential basis, request further evidence of a person's (or company's) experience and qualifications. This could include, for example, requests to see CVs, references or certificates of qualification.

Establishment of transmitter sites and the multiplex network

4.86 In this part of the application you are asked to provide information relating to the practical implementation of each of the transmitters you are proposing to build. Ofcom will use this information to assess how practical your proposals are.

Transmitter Implementation Tables (Part B Q5.2)

4.87 Q5.2 of Part B of the application form asks you to complete a separate Transmitter Implementation Table for each transmitter site that you have entered into the spreadsheet submitted in response to Part B Q3.1 of the application form.

- a) Row A: insert the site name, which should be consistent with the name in the file produced in response to Part B Q3.1.
- b) Row B: explain what type of site it is. Example responses: Existing mobile communications site; existing broadcast site; building rooftop.
- c) Row C: tell us what kind of antenna you are planning to use at the site, for example a 6dB colinear antenna or folded dipole. Please provide details of the manufacturer and product code if you have chosen a specific product.
- d) Row D: describe where the antenna will be mounted. Example responses might include on an existing mast or tower, or on a new pole attached to a building. Applicants should provide a photograph showing the building or structure upon which the antenna will be mounted together with a photograph of the portion of the supporting structure or location where the antenna will be mounted. If applicable, show also any antennas of other services mounted immediately above, below, and at the same level as your proposed antenna.
- e) Row E: tell us if you will be sharing a transmitting antenna with other radio multiplex transmissions. This will only be the case if you are planning to use an existing broadcasting site and will feed your signals into an existing antenna. If this is your plan, please list what other services will share the same antenna.
- f) Row F: describe how the feeder cable will be routed between the antenna and the transmitter. For example, will it use an existing cable duct in a building, or a cable tray outside?
- g) Row G: describe where you are planning on locating the transmitter on the site. For example, this may be a freestanding cabin (if so, give its approximate on-site location), or a space in an existing building (again, provide details). Applicants should satisfy themselves that sufficient space is available in this location for all the required equipment.
- h) Row H: will any building work be required to accommodate the transmitter or cabling? Please describe briefly what works will be required (if applicable).
- i) Row I: what arrangements will you make for powering the equipment? Is there power available in your proposed equipment room or will new circuits need to be provided?

Will it be possible to connect to the landlord's power supply, or will you need to make your own arrangements with an electricity company for a new supply?

- j) Row J: Please tell us how the transmitter will be provided with a feed of the multiplex programme material it will be broadcasting. For example, this might be achieved by a cable if the transmitter is located in the same room as the multiplexer, or by a data circuit or wireless link if they are in separate locations.
- k) Row K: describe the status of any agreements with the site landlord and/or any tenants (if necessary). In order to ensure that you will be able to access the site, Ofcom will require details of the site owner and confirmation that the site owner is willing to accommodate your equipment. A formal agreement is not required.
- l) Row L: have you agreed with all necessary parties for the works described in the entries above? You need to provide the name of each of the relevant parties and confirm that they have seen and agreed your proposals (to the extent that this includes new works).
- m) Row M: please tell us how long you expect to take to launch bring the transmitter on-air following licence award and an ideal target date if you have one. The timescale should take account of factors including site access negotiations and legal processes, planning permissions, equipment procurement, seeking ACI agreements, installation of equipment and compliance checks. In parallel Ofcom will need to seek international co-ordination for every small-scale radio multiplex service. This will take at least four months to complete and frequently significantly longer, and success cannot be guaranteed.
- n) Row N: state your assessment of the potential of the transmitter to punch a hole in the coverage of other DAB radio services by classifying it as green, amber, or red. Guidance on how to do this can be found in section three of Ofcom's [Technical Policy Guidance for DAB Multiplex Licensees](#) and we have provided some further background information below.
- o) Row O: explain why the hole-punching risk classification in Row N has been given.
- p) Row P: Tell us how far the transmitter site is from the nearest residential housing (as the crow flies).
- q) Row Q: Tell us how far the transmitter site is from the nearest major road (as the crow flies). Count only the distance to the nearest 'A' road or motorway.

Hole punching – general guidance

- 4.88 When planning a DAB transmitter network, it is important to take account of the impact that new transmitter sites will have on reception of existing DAB programme services. A phenomenon known as 'hole punching' (sometimes called adjacent channel interference, or 'ACI') can occur when radio receivers in close proximity to a DAB transmitter site are prevented from receiving other DAB services not transmitted from that site. This occurs because the locally-transmitted signals are very much stronger than other services that are broadcast from more distant transmitters. Once the signal strength difference exceeds a

certain value, radio sets cease being able to receive the weaker signals. This is rather like someone sitting nearby and speaking loudly, preventing you hearing what is being said on a TV set across the room.

- 4.89 The mechanism leads to a ‘hole’ in coverage around the site. The size of this hole could be in the range of a few hundred metres to more than a kilometre. In-home reception can also be affected where there are households near to the transmitter site, and the effect can also affect reception in cars if the transmitter site is close to a road.
- 4.90 The extent of any hole will depend on many factors. These include not only the transmission parameters of the nearby and more distant services, but also the listener’s receiver itself. More detailed information on hole punching and how to minimise its impact is given in the Ofcom’s [Technical Policy Guidance for DAB Multiplex Licensees](#).
- 4.91 At a particular transmitter site, this interference potentially affects all DAB services not broadcast from the same site including local and national and, in future, small-scale radio multiplex services. As Ofcom’s Technical Guidance note sets out, mitigation measures are sometimes required. These can include making changes at the transmitter end (by amending antenna locations or transmit powers, or even choosing a different site). Where the loss of coverage of other services is extensive, the proposer of the new transmitter could provide a small transmitter to reinstate the coverage lost by other services. However, this option may not be straightforward or cheap to implement. It is therefore best to minimise the opportunity for hole punching at the design stage.
- 4.92 When designing your network, you need to be aware that ACI can also impact on your own proposed service. If you do not have a transmitter site close to an existing DAB site your own small-scale DAB coverage may be subject to hole punching, meaning that households or cars near the other transmitter will potentially not be able to receive your service.
- 4.93 For all radio services, the ‘polluter pays’ principle applies. New site owners are required to fix problems caused to existing services. The new service will also have to accept any impact caused by the transmitters of other existing services.
- 4.94 Applicants will be required to provide an evaluation of the expected impact of the transmitters they propose. They should specify whether sites fall into the Red, Amber or Green site category and explain how they have arrived at this assessment. Generally, any site falling into the Red category will be rejected unless mitigations are proposed at the outset.
- 4.95 Ofcom’s [Technical Policy Guidance for DAB Multiplex Licensees](#) discusses the methodology for seeking site agreement from other DAB licensees and Ofcom. While we expect you to have taken account of the process during your application, only successful applicants will be required to seek agreement for their proposals with existing DAB operators.
- 4.96 We will consider the potential impact that your proposed transmitters will have on the reception of other radio multiplex services. We will use the results of this assessment to judge how likely it is that the proposed transmitters(s) can be established. We will use the

information you have provided in the transmitter implementation table in Section 5 of the application form to make this assessment.

Network arrangement (Part B Q5.3)

- 4.97 This question asks you to provide a simple block diagram showing the location of the major components of your radio multiplex system, including the programme services (if you know which these will be), the multiplexer that combines the services together and the transmitters that will broadcast the signal. It also asks you to indicate how these constituent parts will be connected together and what kind of circuits you plan to use and who you expect to use to provide them.

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

The following information relates to completing Section 4 of Part A of the application form.

- 4.98 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).
- 4.99 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 small-scale radio multiplex service.
- 4.100 For the second of these statutory criteria, the evidence we will consider can come from existing holders of DSP licences, or from programme service providers who intend to apply for (or have already applied for) DSP or C-DSP licences, which would include but not be limited to the holders of existing analogue community and local commercial radio licences. Preference will be given to applicants who can demonstrate that they will be in a position to carry a number of services on both reserved and unreserved capacity. 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.

Fair and effective competition

The following information relates to completing Section 5 of Part A and Section 6 of Part B of the application form.

- 4.101 Section 51(2)(g) of the 1996 Act requires Ofcom to assess whether, in contracting or offering to contract with programme service providers, the small-scale radio multiplex licence applicant has acted in a manner calculated to ensure fair and effective competition in the provision of such services.
- 4.102 In assessing applications, we therefore need to have confidence that the prospective small-scale radio multiplex licence applicant has approached a wide range of potential service

providers, in particular those currently holding either a community radio, community digital sound programme service, local digital sound programme service or local commercial analogue licence which relates to a service which is already provided in the area. 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.

- 4.103 Q6.1 (in the confidential 'Part B' of the application form) requires you to provide specific details of the contact that has taken place with prospective programme service providers, and requires you to supply supporting documentation. This should include records of contact and discussions which have taken place prior to, and during, the multiplex licence application process, alongside any proposed carriage contracts.

Checklist of supporting documentation

The following information relates to the supporting documentation you will need to send Ofcom as part of your application, as set out in the checklist in Section 7 of Part B of the application form.

- 4.104 You must ensure that you submit your fees in accordance with paragraphs 3.34 to 3.51 of these guidance notes²¹.
- 4.105 The application form must be accompanied by the supporting documentation set out in Part B section 7 of the form.
- 4.106 Documentation must be in legible form and translated into English where applicable. Failure to supply the necessary documents may result in the application being rejected.
- 4.107 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 state the applicant's name in the subject line of the email along with "MUX".
- 4.108 Please tick the relevant boxes in the application form to confirm that you are providing each of the relevant documents with your application.

Declaration

The following information relates to completing the declarations at the end of both Part A and Part B of the application forms.

- 4.109 The declarations must be submitted by the applicant named in response to question 3.5 of Part A of the form. **An agent may not sign the forms.**
- 4.110 The person authorised to make the declarations on behalf of the applicant must print their name and must be one of the following:
- a) A director of the company or the company secretary where the applicant is a company.

²¹ The first year's licence fee payment will be refunded if your application is rejected.

- b) A designated member where the applicant is a Limited Liability Partnership.
- c) A partner, where the applicant is a partnership.
- d) A member of the organisation's governing body where the applicant is an unincorporated body or association.

4.111 The declarations must also be dated.

5. Between licence award and launch

These guidance notes set out key information you may find useful in relation to the period between the award of a small-scale radio multiplex licence and the granting of the licence prior to the launch of the service.

- 5.1 There is a strict 18-month deadline on beginning to provide a small-scale radio multiplex service following award. Where a licence has been awarded but not granted, section 51(6) allows Ofcom to revoke an award if we have reasonable grounds to believe the multiplex service will not be operational within 18 months of award. Similarly, section 53(1)(aa) applies the same rule where a licence has been granted but is yet to come into force.
- 5.2 Ofcom wants to avoid a long-time lag between the award of a licence and the small-scale radio multiplex service being available to consumers, and therefore to avoid inefficient use of spectrum. During the 18-month period, Ofcom expects the successful licensee to conduct the necessary work to implement its technical plan, and in particular ensure that it allows adequate time to do the following:
- a) Appoint specialists and contractors working on its behalf;
 - b) Finalise negotiations regarding access to sites and other infrastructure, including any sharing agreements;
 - c) Liaise with other radio multiplex licensees on any impact its proposed transmitters might have on the coverage of other radio multiplex services. Details of the liaison process that licensees must follow are provided in the procedure for launching new transmitters set out in [Ofcom's Technical Policy Guidance for DAB Multiplex Licensees](#);
 - d) Following the above point c), seek agreement from Ofcom for the proposed technical plan and, should it be required, any changes to it. As the coverage proposed by an applicant is an award criterion, any change will need to deliver broadly equivalent coverage. Failure to deliver the coverage commitments set out in the application may lead to licence revocation. Adherence will be especially important for competed-for licences.
 - e) Send final site details to Ofcom for national clearance²² and, in some cases, for Ofcom to seek international coordination. All sites will need national clearance. Provided liaison and agreement with other radio multiplex licensees are in place, this can normally be completed in four weeks. International coordination is expected to be required for small-scale radio multiplex services and, where successful, this will normally take around four to six months to complete. Where an objection is raised by another country's administration the timeline will be significantly longer, and a

²² These should include all confirmed transmitter sites, transmitter powers, antenna heights and patterns. If directional antenna patterns are proposed or required, the licensee should provide evidence of the confirmed antenna pattern taking account of the structure that it is mounted upon, which is likely to require some theoretical calculation or modelling by the licensee, its technical contractor or the antenna manufacturer,

successful outcome cannot be guaranteed. Where Ofcom believes that objections can be resolved we may allow licensees to launch on a non-interference, non-protected basis at the licensee's own risk. Due to the time taken to co-ordinate services it is therefore important that Ofcom receives the final transmitter plans as quickly as possible. These should be sent in the same electronic format as for licence applications to: BroadcastRadioEng@Ofcom.org.uk

- f) To have built the DAB multiplexing and signal distribution system²³ including:
 - i) Installation of the multiplexing centre and associated equipment;
 - ii) signal encoding for programme services and distribution of the signal feeds to the multiplexing centre; and
 - iii) distribution of the multiplexed signal to the transmission site(s).
- g) Finalise carriage agreements with the providers of the programme services that your multiplex will carry at launch;
- h) Obtain Service ID codes (mandatory) and Transmitter Identification Information Codes (optional) from Ofcom;
- i) Commission and test the transmitter equipment for compliance with Ofcom's Digital Radio Technical Code; and
- j) Provide Ofcom with evidence of compliance with the licence and Digital Radio Technical Code at least four weeks before the licensee intends putting any transmitter into service. The tests carried out under i) and the associated evidence sent to Ofcom should provide a reasonable confidence level that transmissions will remain compliant after commissioning.

Grant of the licence

5.3 A small-scale radio multiplex service cannot commence broadcasting until the licence has been formally granted by Ofcom – i.e. the legal status of the licence has moved from 'award' to 'grant.' Before we can grant a Broadcasting Act licence, and an accompanying Wireless Telegraphy Act licence, the successful applicant will need to have completed the technical steps set out above in paragraph 5.2, up to and including step (e) – the sending final transmitter site details to Ofcom for national clearance – and, in some cases, for Ofcom to seek international co-ordination.

5.4 In addition, prior to granting (and then issuing) the licence, we will need to check with the successful applicant that there have not been any changes to the information originally provided to us in its application form (for example, that the directors and/or shareholders of the body corporate have not changed). If there have been changes, Ofcom will need a

²³ Section 2 of the Ofcom Technical Policy Guidance for DAB Multiplex Licensees and Section 3 of Ofcom's Digital Technical Code gives more details regarding multiplex technical management. Once launched, Ofcom will publish the technical parameters of the services DAB transmitters and the service line up on its website.

new 'original declaration' to be completed so that we can assess whether the prospective licensee remains both eligible and 'fit and proper' to hold the licence.

Licensed area and extent of coverage

- 5.5 The geographical areas defined in advertisements for small-scale radio multiplex licences provide a framework against which applicants can target their coverage, and have been produced by Ofcom taking into account where there is likely to be demand from applicants and spectrum available. Once a small scale radio multiplex licence has been granted in a particular area, the coverage proposed by the applicant becomes the small-scale radio multiplex service's licensed area.
- 5.6 The six frequency blocks that Ofcom will principally be using for small-scale DAB have been vacated by other UK services and, at the time of writing, there are very limited services broadcasting in neighbouring countries. Early small-scale DAB services should therefore experience minimal interference from other broadcast services and coverage will extend as far as the signal is strong enough to be received and overcome the noise inherent in listeners' radio sets (this is called 'noise limited' coverage). As a result, early services may be heard over significantly larger areas than would be the case if we are able to license small scale multiplexes in all of the areas where we expect to use the same frequency block. Mobile (in-car) coverage maybe also be available over a wider area initially for the same reason. As further small-scale DAB services in the UK and new DAB services in neighbouring countries come on-air, coverages may vary to some extent.

Compliance checks

- 5.7 Compliance checks can be carried out by the licensee, a transmission provider, other competent engineer or by Ofcom. The assessment criteria are defined in Section two of the Ofcom Digital Technical Code. The results of the checks will need to be emailed to Ofcom for checking prior at least four weeks before the licensee intends the transmitter to become operational. Where Ofcom carries out compliance checks we will only carry out the minimum checks to confirm that a site is operating within the limits set out in the licensee's Wireless Telegraphy Act licence. Some aspects of the transmission system, such as signal distribution and SFN operation, have no impact on the transmitted signal's propensity to cause interference to other spectrum users and will not be checked. Once compliance checks have been completed no modifications to the transmitter's RF characteristics are allowed without prior permission from Ofcom. Where more than one transmitter is proposed by the licensee, Ofcom will expect to assess the compliance of all transmitters during the same visit.
- 5.8 It is the licensee's responsibility to ensure its transmitter system complies with the technical parameters set out in its Wireless Telegraphy Act licence. If a transmitter fails a compliance check, Ofcom will terminate the compliance test visit and leave site (unless the non-compliance is minor and can be remedied quickly by the licensee or its contractor on the spot). Ofcom will not return to site until the licensee has provided written confirmation

that the transmitter system is compliant. Following a failure of a compliance test, Ofcom will charge for the return visit if, in the opinion of the Ofcom representative, the non-compliance has arisen due to the negligence of the licensee or its contractor or could otherwise have reasonably been foreseen. The charge (as of September 2020) would be up to £775 per day.

Commencement date

- 5.9 The commencement date contained in the licence will be the date on which the small-scale radio multiplex service starts broadcasting (and therefore needs to be agreed with Ofcom in advance). As previously noted, the legislation requires a small-scale radio multiplex service must commence broadcasting within 18 months of the date of licence award.
- 5.10 Prior to launch, the licensee should ensure that each of the programme services that it plans to carry on its multiplex service holds either a DSP or C-DSP licence issued by Ofcom, and that it has a record of the Ofcom licence number for each programme service broadcast.

6. Information for small-scale radio multiplex licensees

These guidance notes highlight key features of a small-scale radio multiplex licence. They are not intended to be comprehensive.

Licence duration, technical standards and renewal

- 6.1 A small-scale radio multiplex licence will be awarded for a period of up to seven years, with a further potential renewal period of five years.
- 6.2 You must provide your small-scale radio multiplex service to a reasonable standard of technical quality and reliability throughout the licence term. This differs slightly from local and national radio multiplex services which must meet a ‘high’ standard, but it still requires a continuous service to be provided and operation within published Ofcom technical guidance. An annex to your licence will set out transmitter locations and other technical information and, in common with other multiplex services, you will also hold a Wireless Telegraphy Act licence with further technical parameters. Any changes to technical arrangements would require application for licence variation (see below). Licensees must also observe the provisions of Ofcom’s [Digital Radio Technical Code](#).
- 6.3 An application for licence renewal needs to be made by the licence holder within a window that will open 18 months before the licence would otherwise expire, and which closes six months before it would otherwise expire. This is a strict statutory requirement, and applications outside this renewal window cannot be accepted by Ofcom. Licensees will be responsible for ensuring that they apply for renewal in a timely manner – Ofcom will not send out reminder letters or e-mails. Details of the renewal process (for example, the information that you will need to provide us with) will be published once a significant number of services have been licensed, and well before the application windows for the earliest-expiring licences commence.
- 6.4 On renewal Ofcom may require the submission of a supplementary technical plan, addressing technical guidance from Ofcom (which may, for example, be relevant if there has been a change in technical standards over the licence period).
- 6.5 For the renewed licence period, Ofcom may require adjustments to the amount of capacity on the multiplex reserved for C-DSP services (see below). This may be relevant if there is evidence of unmet demand for capacity from such services in the area which, in Ofcom’s view, may be accommodated without undermining the viability of the multiplex.
- 6.6 We may refuse to renew a licence if the applicant has failed to comply with licence conditions, or has failed to submit a supplementary technical plan as required, or if we are not satisfied the licensee could provide a service complying with conditions on renewal.

Transfers and other changes to your licence

- 6.7 If there are any changes to your contact details once the licence has been granted, the licensee must inform Ofcom immediately by emailing broadcast.licensing@ofcom.org.uk.
- 6.8 Once operational, Ofcom will need to be notified of changes to the line-up of programme service providers broadcasting on your multiplex, and/or the technical specifications. This information will be published on our website. While small-scale radio multiplex service licensees do not need Ofcom to agree changes to programme services, we will need five working days' notice before such changes are applied. Details of how to inform Ofcom of programme service changes will be communicated to successful applicants in advance of the launch of their multiplex services.
- 6.9 If you wish to transfer your licence, it is important to note that this can only be done with Ofcom's prior written consent. A request for consent to transfer a licence must be submitted in writing by the proposed transferee using Ofcom's 'Original Declaration' form. The form, which can be requested from broadcast.licensing@ofcom.org.uk, must be accompanied by a written letter from an authorised individual.²⁴
- 6.10 To be able to consent to a transfer of a licence, Ofcom must be satisfied that the proposed transferee can comply with all of the conditions of the licence. We will therefore require the same information about the proposed transferee, as when considering an application for a licence from a new applicant. We may need to ask for further information before deciding whether to consent to a transfer of a licence.
- 6.11 We will not generally consider a transfer application if the current licensee has outstanding annual licence fees specific to the licence in question.
- 6.12 If consent to transfer the licence is granted, it is for the relevant parties to effect the transfer of the licence. Once the transfer has taken place, the transferor must inform Ofcom in writing (within three months of consent), that the transfer has been completed. We will not be able to amend our records to reflect the transfer until we have received this information. This confirmation should be signed by an authorised individual²⁵, and include both the date of the signature and the date that the transfer was completed. A notice of transfer will then be issued by Ofcom to the new licensee.
- 6.13 Ofcom may vary your licence by a notice served on the licensee. This can either be with your consent or, in the absence of consent, provided that you have been given a reasonable opportunity to make representations to Ofcom about the proposed variation.

²⁴ In the case of: a) a company, this will be a director, the company secretary or clerk; b) a partnership, this will be a partner or another person who is in control of the business; and c) an unincorporated body or association, this will be a member of the organisation's governing body.

²⁵ In the case of: a) a company, this will be a director, the company secretary or a designated member in the case of Limited Liability Partnership; b) a partnership, this will be a partner; and c) an unincorporated body or association, this will be a member of the organisation's governing body.

Technical modifications to the on-air transmitter network

- 6.14 Ideally the transmission plan submitted with the application will be implemented as proposed and no further changes will be required. However, issues such as redevelopment can arise during the licence period and sites may need to change. Licensees may also wish to improve their coverage by adding further sites. Ofcom will be willing to consider changes that comply with the legislative criteria, but will prioritise the licensing of new services above the expansion of existing ones. It is unlikely that improvements will be considered until all rounds of licensing are completed.
- 6.15 Licensees should not make any modification or adjustment to the RF characteristics of their transmission system, including aerials, without the prior permission of Ofcom. Four weeks' notice will normally be required for any such changes.
- 6.16 The details for any new site or modification should be supplied in the same electronic format used for the multiplex licence application. Ofcom will assess the likelihood of the new or modified site leading to hole punching in the coverage of other radio services, the interference to other areas where the same frequency block is in use (or is planned to be used) as well as the overlap with relevant local DAB licence areas.
- 6.17 Ofcom will process requests for technical changes as soon as is possible. Ofcom will deal with these requests in the order they have been received and will use reasonable endeavours to deal with such requests in a timely manner, although waiting times may be several months, particularly while Ofcom is advertising further rounds of small-scale licences. If international coordination is required, final approval of changes may take a further four to six months, although Ofcom may permit changes to be implemented at the applicant's own risk on a non-interference, non-protected basis while international coordination is sought.

Reservation of capacity for C-DSP services

- 6.18 An important condition of a small-scale radio multiplex licence which differs from other radio multiplex licences is that broadcast capacity for Community Digital Sound Programme ('C-DSP') licence holders must be reserved. The number of slots required will be specified in the original licence advertisement published by Ofcom, and this will be reflected in the licence. The legislation requires Ofcom to ensure sufficient capacity is reserved for a minimum of three C-DSP services, but we may reserve more based on our assessment of what is appropriate in the particular locality.
- 6.19 The amount of capacity that must be reserved by the small-scale radio multiplex licensee should be calculated on the basis that each C-DSP service must be able to occupy a minimum of 36 capacity units (equivalent to 48 kbit/s using DAB+ (i.e. HE-AAC audio encoding) with protection level EEP3A). To clarify how this will be embodied in small-scale radio multiplex licences, and taking an example where a small-scale radio multiplex licence is required to reserve capacity for three C-DSP services:

- a) If it has no C-DSP services currently on the multiplex it must keep 108 capacity units (equivalent to 144 kbit/s or 3 x 48 kbit/s) empty and ready for three C-DSP services at all times;
 - b) If it has one current C-DSP service occupying 36 capacity units or more, it must have 72 capacity units (equivalent to 96 kbit/s or 2 x 48 kbit/s) empty and ready; and
 - c) If it has two C-DSP services each occupying 36 capacity units or above, it must have 36 capacity units (equivalent to 48 kbit/s) empty and ready.
- 6.20 It is important to emphasise that the legislation and licences are clear that this capacity is *solely* for the broadcast of C-DSP services and cannot be occupied by any other programme services, even on a short term basis. If an individual C-DSP service wishes to occupy less than 36 capacity units, the remaining reserved capacity must still be kept free. For example, in the example mentioned above, if the multiplex has only one current C-DSP occupying only 24 capacity units (equivalent to a bitrate of 32 kbit/s) it must have 84 capacity units (2 x 36 plus the “spare” 12 capacity units) empty and ready for other C-DSP services.
- 6.21 It is up to the small-scale radio multiplex licensee to determine how to allocate its reserved capacity. The amount of that reserved capacity is the only regulatory requirement. Put another way, to use the example above, the fact that Ofcom has specified that capacity must be reserved for three C-DSP services simply determines the overall amount of capacity to be reserved (i.e. 3 x 36 capacity units = 108 capacity units). It does not mean that only three C-DSP services can be carried. The number of C-DSP services to be carried in those 108 capacity units is for the small-scale radio multiplex licensee to determine. For example, six C-DSP services could be carried if each occupied 18 capacity units.
- 6.22 In order to ensure you are compliant with these rules, you should check that a broadcaster seeking carriage on reserved capacity does in fact hold a C-DSP licence which contains a reference in the Key Commitments annexed to that licence to your particular small-scale radio multiplex service.
- 6.23 You may, under limited circumstances, apply to vary the reservation of capacity. However, you can only do so if more than three years have passed since the licence was granted, and part of the reserved capacity remains unused. If you are seeking to reduce the amount of reserved capacity, we will require evidence that you have taken all reasonable steps to identify persons interested in providing a C-DSP service and have acted reasonably in offering to contract with potential services. You also cannot, under any circumstances, apply to reduce the reservation below the statutory minimum of three slots (i.e. 108 capacity units).

Information requirements on carriage fees and services carried

- 6.24 All small-scale radio multiplex licensees are required to publish a current ‘rate card’ on their website, and to provide Ofcom with details of the carriage fees currently being paid by programme service providers on the multiplex.

- 6.25 Small-scale radio multiplex licensees are also required to maintain up-to-date information on their website on the programme services they are carrying, as well as to notify Ofcom in advance of changes to that list (including whether or not the services listed occupy reserved capacity). This is to ensure that Ofcom has up-to-date information on the programme services being carried on a small-scale radio multiplex service, and will allow us to identify where DSP and C-DSP services are broadcasting for the purposes, for example, of standards complaints, and to monitor the use of reserved capacity. Changes to programme services do not require Ofcom approval.

Provision of information

- 6.26 You must supply to Ofcom by such deadline as we may provide, any information that we may require for carrying out our duties. This includes (but is not limited to) information about the licensee's corporate structure, any information that Ofcom may need to determine whether the licensee is on any ground a "disqualified" person²⁶, information about the diversity characteristics of the licensee's employees and its equal opportunities arrangements and financial information used for market monitoring and the publication of sectoral statistics information relevant to the calculation of annual licence fees.
- 6.27 Your licence also obliges you to inform Ofcom about changes to the nature, characteristics or control of the licensee body.
- 6.28 You should notify Ofcom in writing of the following changes as soon as reasonably practicable, and no later than 28 days from the changes taking place:
- Proposals affecting the control of the licensee, and changes in control.
 - Changes in shareholders and directors.
- 6.29 You should notify Ofcom in writing *immediately* of the following changes:
- Changes in management, key staff and contact details.
 - If the licensee becomes aware that any order is made or resolution passed which would result in the licensee going into administration, liquidation, or if the licensee may become insolvent.
- 6.30 If a court judgment is passed against the licensee or the licensee is convicted of a criminal offence. We require the above information in order to carry out our licensing duties. Please see [Ofcom's Privacy Statement](#) for further information about how Ofcom handles your personal information and your corresponding rights.

Revocation and surrender of licence

- 6.31 If you are no longer able to provide a service, the licence should be surrendered. To surrender your licence, you must write to Ofcom. The letter must be signed by an

²⁶ Under Schedule 2, Part II of the Broadcasting Act 1990 or section 44A of the Broadcasting Act 1996.

authorised individual on behalf of the licensee.²⁷ The letter should make clear the date upon which you wish to surrender the licence, i.e. either the date of the letter or a date in the future.

- 6.32 Ofcom may consider revocation of the licence as a possible sanction where you breach your licence. Reasons for revocation include, but are not limited to:
- the licensee has failed to pay its annual licence fees or provide information requested by Ofcom;
 - the licensee has ceased to provide the licensed service to a reasonable technical standard and the absence of a timely and feasible plan to rectify this makes it appropriate to revoke;
 - the licensee has provided false information (or withheld information) with the intention of misleading Ofcom;
 - the licensee becomes a “disqualified” person;²⁸
 - any change takes place affecting the nature, characteristics or control of the licensee which, if in place originally, would have resulted in Ofcom not granting the licence;
 - Ofcom ceases to be satisfied that the licensee is “fit and proper” to hold a licence;²⁹
 - the licensee fails to comply with any requirement to hold (or have held on his behalf) a licence under the Wireless Telegraphy Act 2006, or if the licensee ceases to comply with the requirements as set out in Chapter 1, Part 2 of the Communications Act (relating to electronic communications networks and services);
 - the licensee is placed in administration or liquidation, or becomes insolvent.
- 6.33 Before revoking a licence, Ofcom must first notify the licensee of its intention to revoke and give the licensee a reasonable opportunity to make representations.

Fair and effective competition

- 6.34 Ofcom has a duty to ensure fair and effective competition in the provision of licensed services and services connected with them. Your licence therefore includes a condition requiring you:
- not to enter into or maintain any arrangements or engage in any practices which are prejudicial to fair and effective competition in the provision of licensed services or connected services;
 - to comply with any code or guidance approved by Ofcom for the purpose of ensuring fair and effective competition in the provision of licensed services or connected services; and

²⁷ In the case of: a) a company, this will be a director, the company secretary or clerk; b) a partnership, this will be a partner or another person who is in control of the business; and c) an unincorporated body or association, this will be a member of the organisation’s governing body.

²⁸ Under Schedule 2, Part II of the Broadcasting Act 1990 or section 44A of the Broadcasting Act 1996.

²⁹ Under section 3 of the Broadcasting Acts 1990 and 1996.

- to comply with any direction given by Ofcom for that purpose. Ofcom has adopted this general policy because of the merits of ex ante regulation in securing fair and effective competition.
- 6.35 Your licence also prevents you from offering to enter into an agreement with a programme service provider where the terms of that agreement show undue discrimination towards a particular person or a class of such persons. It is important to note that this does not prevent you from offering more favourable terms to C-DSPs accessing reserved capacity than to DSPs accessing unreserved capacity. Only C-DSPs are able to access reserved capacity, and the different demand conditions are likely to justify a different approach.
- 6.36 Before taking enforcement action under the licence pursuant to this condition, Ofcom would need to consider whether, in the circumstances, it would be more appropriate to proceed by enforcing the relevant provisions of the Competition Act 1998 rather than by enforcing the licence condition.

Equal opportunities and training

- 6.37 Licensees which employ more than 20 people and operate for more than 31 days in a year are required to put in place arrangements for the promotion of training and equal opportunities. Specifically, licensees must:
- make and from time to time review arrangements for promoting equal employment opportunities in relation to sex, race and disability. Examples of such arrangements may include policies and initiatives designed to help licence holding companies employ and retain a diverse workforce;
 - make and from time to time review arrangements for training staff. Examples of such arrangements may include mentoring schemes or professional skills training programmes;
 - take appropriate steps to make those affected by the arrangements specified above aware of them; and
 - publish yearly observations on the current operation and effectiveness of their arrangements. Companies may, for example, devote a section of their annual report to their training and equal opportunities programmes.
 - provide Ofcom with a copy of annual observations detailing the current operation and effectiveness of their arrangements when requested

Sanctions

- 6.38 Ofcom can impose sanctions on a licensee for breaches of the licence conditions. The sanctions available to Ofcom include revocation (see above), reduction in licence term, and a financial penalty of up to £100,000.
- 6.39 In cases where Ofcom has instigated sanctions procedures against an existing licensee which may lead to the revocation of any licences(s) it holds, it will not generally consider any applications for transfers of licences by the same licensee or by a person/body

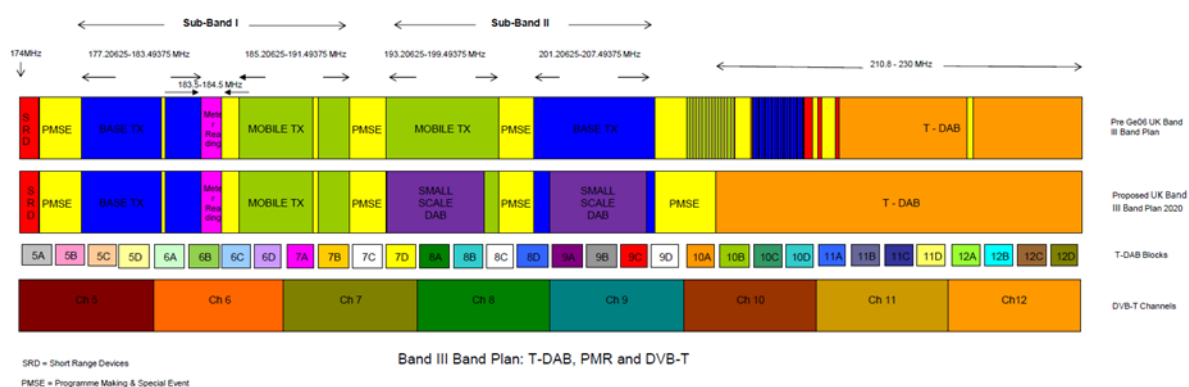
connected to that licensee until such time as that aspect of the sanctions procedure against the existing connected licensee is concluded. Similarly, Ofcom will not generally consider transfer applications either to or from a licensee while a sanctions procedure which may lead to licence revocation is ongoing.

A1. Supplementary technical information

DAB spectrum allocation – Band III background

- A1.1 Internationally allocated spectrum for DAB is between 174 and 230 MHz generally referred to as VHF Band III. This spectrum is allocated to broadcasting services, both DAB and DVB. At the International Telecommunications Union (ITU) Regional Radio Conference held in Geneva in 2006 (Ge06) frequency allocations for DAB and DVB were agreed across Europe and beyond. These allocations are all recorded in the ITU Ge06 Plan. In the UK, additionally, there is a co-primary allocation to private mobile radio (PMR) in the lower part of Band III. Use of this spectrum for PMR was agreed with France, Belgium and The Netherlands but not with the Republic of Ireland. In the UK the Band III is sub-divided in three parts or sub-bands.
- A1.2 In addition to broadcast and PMR services, there are allocations for several other, secondary, users. These include short range devices such as assistive listening devices and wireless microphones used for programme making and special events.
- A1.3 At Ge06 the UK agreed to migrate any PMR users in the centre part of the Band, sub-band II, into the lower part, sub-band I. This was to enable the implementation of DAB & DVB in neighbouring countries. Notice to quit the sub-band was issued to any remaining PMR users in sub-band II and any that do not migrate will lose protection from June 2020. The diagram below shows the relationship and evolution of VHF Band III since the Ge06 conference.

Figure A1: Band III spectrum usage



- A1.4 Sub-band II is now vacant in the UK and has been allocated for DAB services. The DAB allocations available in this spectrum are blocks 7D, 8A, 8B, 9A, 9B and 9C. It is these blocks which Ofcom will use for most small-scale DAB services. Where small-scale DAB requirements are high or there are high levels of interference from abroad, spectrum in sub-band III (blocks 10B to 12D) may also be used if available.

- A1.5 To date few DAB services have been implemented in sub-band II by neighbouring countries, although some are now launching. Most neighbouring administrations are also developing plans to convert any DVB allocations to DAB.
- A1.6 There are no allocations for UK small-scale DAB in the Ge06 Plan and any new services will need to be coordinated. The UK has been discussing our plans for small-scale DAB with a view to seeking access to the spectrum and developing coordination agreements. This work is on-going and we hope to have agreements in place with neighbouring administrations in the next two years. This timescale is subject to their evolving plans, as well as how small-scale DAB rolls-out in the UK. However, a restricted number of blocks will be available in some coastal areas and others may be subject to high levels of incoming interference.
- A1.7 Prospective licensees should be aware that because the primary spectrum for small-scale DAB is vacant launch coverages will be noise limited. They are expected to be significantly larger than they will be in the future. Coverage (especially mobile) is expected to erode, possibly significantly, as other small-scale DAB services come into operation. As services in neighbouring countries launch we also expect some coverage areas to reduce particularly during periods of enhanced propagation. This will apply especially in southern England, East Anglia, west Wales and Northern Ireland.

Multiplexing / signal distribution

- A1.8 Analogue broadcast services provide only a single programme stream while a DAB service carries multiple audio and, possibly, data services. While there is not a hard limit on the number of services that can be carried, if DAB+ is used around 20 or more are possible depending upon the multiplexing equipment used. The services carried need to be brought to a single point and combined, a process called multiplexing. The multiplex signal then needs to be distributed to the transmitter(s). There are numerous methods for the signals to be distributed around the network with varying levels of reliability, resilience, quality and cost. Diverse routing of duplicate circuits for critical signals might also be considered.
- A1.9 While the line-up of services may not be available for the application itself, Ofcom will need details of how applicants expect to carry out multiplexing. We will need to understand; where multiplexing is expected to take place, how programme feeds will be brought to the multiplexing location, the type of feeds (bearer circuits) to be used and the equipment used for encoding and multiplexing as well as how the multiplexed signal will be distributed to and between the transmitters and the types of circuits used for this. This information may be supplied as a mix of network diagrams, tables, maps and text.

Bit rates: DAB versus DAB+ and UEP

- A1.10 Unlike VHF/FM or MF/AM services it is possible to vary the quality of the individual programme services on a DAB multiplex. This is achieved by varying the allocation of multiplex capacity to individual services in accordance with their requirements. For

example, lower bitrates could be allocated for a speech only service or a mono service, while higher bitrates are assigned to a classical music service.

- A1.11 A further consideration is the ratio of programme to error correction data to broadcast information. DAB allows for 5 different levels of error correction with 1 being the highest (most correction data) and 5 being the lowest (least correction data). The Ofcom digital technical code requires a minimum error protection of level 3. Ofcom's predictions of coverage and interference will be carried out assuming the use of error protection level 3 only. Use of error protection level 3 allows for a total of 1152 Kbits to be allocated to services. Use of level 2 or 1 is permitted and may help improve coverage slightly but will reduce the capacity available for audio and data services. Ofcom's Technical Code does not permit use of error protection levels 4 or 5³⁰,
- A1.12 There are two versions of DAB; the original version known simply as 'DAB' and the more efficient 'DAB+' which uses more advanced coding and compression standards. Services using either version can be transmitted on the same multiplex simultaneously. DAB+ has several differences when compared to DAB:
- It uses a more efficient compression algorithm than DAB which allows for the carriage of around twice the number of services.
 - It has additional error coding that is slightly more robust for a given protection level compared to DAB. However, the extra coding does lead to longer decoding delay at the receiver.
 - Older receivers are not DAB+ enabled. However, all receivers with a digital tick are DAB+ compatible, including almost all car receivers.
 - DAB is licence free whilst a DAB+ patent licence is still payable.
- A1.13 It is for the multiplex operator and the programme service provider to agree upon the bitrate used for each service and whether to use DAB or DAB+. Ofcom requires DAB services to be broadcast in a reasonable standard in terms of technical quality and reliability.

³⁰ A very small number of historical services that pre-date the current policy operate with error protection level 4..

A2. Frequently asked questions

How much does a licence cost?

The current cost of a small-scale multiplex licence application is £500. This is non-refundable. Please see paragraphs 3.17 to 3.25 for further details. Once a licence has been issued, you will be required to pay an annual licence fee. The current fixed fee for the charging year has been set at £500 for each licence you own. For further information on fees, please see paragraphs 3.26 to 3.34.

How long does the licensing process take?

As a guideline, we aim to reach a licence award decision within three months, however this cannot be guaranteed. For further information, please see paragraphs 3.35 to 3.41.

I already have an existing Ofcom licence – is there a fast-track application process?

No, there is no fast-track application process. Ofcom licensees must follow the same process as all other applicants.

I no longer want/need my licence. What do I do now?

If you no longer require your licence, you can surrender it by emailing broadcast.licensing@ofcom.org.uk. In the email, please provide your licensee name and the names and licence numbers of any licences you wish to surrender.

There has been a change of control at the licensee company. How do I inform Ofcom?

If there has been a change of control at your licensee company, you are required to inform Ofcom as soon as you are aware of the details of the change and within 28 days of the change taking effect, by completing a [Change of Control notification form](#) which explains in greater detail what a change of control entails.

One of our Ofcom contacts has changed their contact details. How do I inform Ofcom?

If any contact details have changed, it is important that you inform Ofcom so that we can ensure that you receive any correspondence from us.