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## **Small-scale radio multiplex licence**

Application form – Part A (public)

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

**SUBDIGITAL LEICESTER LTD**

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

**LEICESTER**

## 2. Extent of proposed coverage area

### About this section

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

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

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

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

Our technical proposal is founded on three principles:

1. Deliver a reliable, consistent and high-quality DAB service to as much of the indoor population of the Leicester polygon as possible
2. Create coverage that is sustainable and affordable to our radio broadcasters, both community and commercial
3. Achieve this within a sustainable, long-term business plan.

We have used our local connections to secure space for a site at Corah, Burleys Way, Leicester, which covers the majority of the city centre and northern section of the polygon.

Consideration has been made of the existing coverage of the existing community stations and our proposed coverage is considered to provide a good match to the existing coverage achieved by these stations.

Our proposed coverage reaches:

- |   |         |
|---|---------|
| • Polygon Population                                      | 332,079 |
| • Population covered @ 63dBuV - Total                     | 306,832 |
| • Population covered @ 63dBuV - Within Polygon            | 265,212 |
| • Population covered @ 63dBuV - Coverage % within Polygon | 86.4%   |

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### SubDigital Leicester Ltd

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

Site Name	NGR	Antenna height (m agl)	Antenna type proposed with bearing	New or existing antenna	ERP (W)
Corah Works	SK58670540	35m	Omni Collinear	New antenna, existing structure	75

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

Provided in Appendix C.

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

Provide the name and version of the prediction tool used.	Maxxwave - March 2022 build
Detail the terrain model used by the software and its resolution.	NASA SRTM 1 arcsecond (~30m)
Detail the ground cover (clutter) data used by the software and its resolution.	Landsat clutter data (~30m)
What propagation algorithm has been used?	Deygout 94 as defined within ISSN 0292-6903
Where multiple sites are proposed, describe what methodology has been used to assess the network (SFN) gain	Single transmitter site
If these predictions have not used Ofcom-provided population data, state what population data has been used and its source.	Census 2011
Have your predictions been generated by a commercial organisation? If so, by whom?	Maxxwave Ltd

## 3. Ability to establish the proposed service

### About this section

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

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

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

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

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

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

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

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

### Applicant's details

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

**SUBDIGITAL LEICESTER LTD**

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

**14042940**

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

**63 Melton Road, Leicester, LE4 6PN**

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

**Yes**

## Ownership and control of company which will hold the licence

### Details of officers

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

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

### Details of participants

3.6 Complete the table overleaf, expanding it if necessary, to list all bodies or individuals which hold or are beneficially entitled to shares, or who possess voting powers, in the applicant (i.e. the “participants”). If you are unable to provide a complete answer to this question in relation to beneficial owners, please state whether you have any reason to suspect the existence of any beneficial owners.

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

Full name of participant (existing and proposed)	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
Dinesh Kotak	90	£90	90%	90%
MuxNet UK Ltd	10	£10	10%	10%
Comments				

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

## Details of relationships of control

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

Full name of body corporate	Address	Person/body controlling the entity (i.e. the applicant itself or its associate)
Dinesh Kotak	63 Melton Road, Leicester, LE4 6PN	Sabras Sound Ltd – 75% South Birmingham Digital Radio Ltd – 27% Sanskar Radio Ltd – 100% Subdigital Ltd – 100% Thurney Properties Ltd – 67% Power Plane Holdings Ltd – 20% Cityregen LLP – 50% Cityregen (Leicester) Ltd – 100 Now Digital East Midlands Limited – 20% (through Sabras Sound)
MuxNet UK Ltd	Greenworks Dog & Duck Yard, Princeton Street, London, WC1R 4BH	South Birmingham Digital Radio Ltd – 26%

## Details of persons who control the applicant

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

Full name of person/body corporate	Address	Person/body controlled by the entity (i.e. the applicant itself or its associate)
Dinesh Kotak	63 Melton Road, Leicester, LE4 6PN	Sabras Sound Ltd, Now Digital (East Midlands) Ltd, South Birmingham Digital Radio Ltd, Sanskar Radio Ltd, Subdigital Ltd, Jubb (UK) Ltd, Bowbridge Ltd, Thurney Properties Ltd, Power Plane Ltd, Power Plane Holdings Ltd, Cityregen LLP, Cityregen (Leicester) Ltd.
MuxNet UK Ltd	Greenworks Dog & Duck Yard, Princeton Street, London, WC1R 4BH	South Birmingham Digital Radio Ltd – 26%

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

Full name of individual	Name of body in which individual is a director or designated member
Dinesh Kotak	Sabras Sound Ltd, Now Digital East Midlands Ltd, South Birmingham Digital Radio Ltd, Thurney Properties Ltd, Cityregen Leicester Ltd, Cityregen LLP, Jubb UK Ltd, Power Plane Ltd, Power Plane Holdings Ltd, Bowbridge Ltd, Subdigital Ltd, Sanskar Radio Ltd, Willoughby (620) Ltd.

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

Full name of body corporate listed in 3.8	Body corporate controlled
None	

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

Name of body corporate identified in response to question 3.8				
Full name of participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
MuxNet UK Ltd	10	£10	10%	10%
Comments				

## **Involvement of the applicant in specified activities**

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

<b>Activity/involvement</b>	<b>Yes or No</b>	<b>Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement</b>
A local authority	No	
A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body	No	
A body whose objects are wholly or mainly of a religious nature; <sup>2</sup>	No	
An individual who is an officer of a body falling within (b) or (c);	No	
A body corporate which is an associate (as defined in paragraphs 1(1) and 1(1A) of Part I of Schedule 2 to the Broadcasting Act 1990) of a body falling within (b) or (c);	No	
An advertising agency or an associate of an advertising agency	No	

## **Details of applications, licences and sanctions**

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

(a) Is the applicant a current licensee of Ofcom?

**No**

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

**No**

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

**Yes**

(d) Does the applicant control an existing Ofcom licensee?

**No**

<sup>2</sup> Please refer to Sections 3 to 5 of Ofcom's religious guidance note at: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0028/88219/Guidance-for-religious-bodies.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0028/88219/Guidance-for-religious-bodies.pdf) for details on how we determine the eligibility of religious bodies to hold certain broadcasting licences.

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

**No**

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

**No**

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

**No**

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

**No**

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

**No**

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

	<b>Licence number(s)</b>	<b>Details</b>
(c)	AL00005 DP000062 DP000063 DL000034 DL000043 DL000048 DL000049 DL000054 DL000050 DL000057 DL000053 DL000055 DL101051 DL104302 DL000058 DP000051 DP102178 DP102939	AL00005 / DP000062 / DP000063 - Sabras Sound Ltd – Don Kotak DL000034 - Now Digital East Midlands Ltd (Leicester) – Don Kotak DL000043 - Now Digital East Midlands Ltd (Nottingham) – Don Kotak DL000048 - Now Digital East Midlands Ltd (Derby) – Don Kotak DL000049 - MuxCo North East Wales & West Cheshire Ltd – Gregory Watson DL000054 - MuxCo South Midlands Ltd (Gloucestershire) – Gregory Watson DL000050 - MuxCo South Midlands Ltd (Herefordshire & Worcestershire) – Gregory Watson DL000057 - MuxCo Surrey & North Sussex Ltd – Gregory Watson DL000053 - MuxCo North Yorkshire Ltd – Gregory Watson DL000055 - MuxCo Lincolnshire Ltd – Gregory Watson DL101051 - MuxCo Suffolk Ltd – Gregory Watson DL104302 - MuxCo Cumbria Ltd – Gregory Watson DL000058 - Triple MuxCo Somerset Ltd – Gregory Watson DP000051 / DP102178 - Children’s Radio UK Ltd – Gregory Watson DP102939 - Upload Radio Ltd – Gregory Watson

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

**N/A**

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

**No**

## Financial and business plan

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

SubDigital Leicester Ltd ('SDL') will establish a successful multiplex operation by providing existing community and commercial broadcasters as well as new entrants with a reliable digital broadcast platform on both affordable and flexible terms.

The board and shareholders of SDL have, between them, extensive experience in community radio, local radio and digital radio and particular experience in making new small and medium sized radio projects work.

### **Low Cost**

Our core ambition is to offer service providers a low cost, easy to access, high quality digital broadcast platform and to ensure its long-term sustainability. To achieve this, we will offer reserved capacity to C-DSP licence holders at a 50% discount to the equivalent rate of unreserved capacity.

### **Target Market**

Our target market comprises existing Ofcom licenced analogue community and commercial broadcasters who wish to simulcast existing services as well as develop and launch new brand extensions. The platform will also appeal to internet radio stations and local aspiring individuals/groups in the community who have previously operated RSL stations and or have made licence applications in the past.

### **Promoting the Opportunity**

We have promoted the multiplex opportunity by direct communication and in person meetings.

### **Service Providers**

The number of confirmed services gives us confidence in the financial stability of our plans to launch and sustain the multiplex. Several of the proposed service providers have worked with the shareholders before or have a positive experience on existing small-scale DAB trials and / or local multiplexes.

Current interest indicates there is overdemand for DSP unreserved space. We expect some will consider providing a C-DSP licenced service to access reserved space. Additionally, on award of the licence, we will welcome prospective C-DSP licence holders who have engaged with competitive applications. In this regard, we have written to all local C-DSP licence holders confirming the reserved capacity and beneficial discounted rates they would enjoy and look forward to working with them if are successful in our bid.

### Objectives

We note the requirement to reserve slots for 9 C-DSP services, and will work with local community services in an open, fair and effective manner.

We have agreed heads of terms with 23 prospective service providers, which will cover our running costs. However, our financial planning ensures that if we don't reach this level, or services fall away over time and we experience a delay in replacing services from our waiting list, there is sufficient head room to ensure our finances remain robust.

### Commitment

MuxNet and Dinesh Kotak have significant long term commitment to DAB broadcasting, and are committed to investing in the platform to keep abreast of technical developments during the licence term.

### Costs

We anticipate the majority of costs to be related to the build of our single transmission site - £20,000.

Legal and other administrative costs in pre-launch period - £1,000

### Funding

The company will be funded through a combination of equity and primarily a working capital loan and reserve capital of £50,000 provided by Dinesh Kotak, who has confirmed ability to cover this funding.

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

a) Share capital	£100
b) Loan stock	£50,000
c) Leasing/HP facilities (capital value)	£0
d) Bank overdraft	£0
e) Grants and donations	£0
f) Other (please specify)	£0
<b>TOTAL</b>	<b>£50,100</b>

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**SubDigital Leicester Ltd**

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

Name of shareholder or investor	Percentage of shares held (if applicable)	Amount of funding provided (£)
Dinesh Kotak	90%	£50,090
MuxNet UK Ltd	10%	£10
	<b>100%</b>	<b>£50,100</b>

The latest Statutory Accounts on Companies House are:

- Dinesh Kotak controlled companies – the accounts of all the companies which Dinesh Kotak is a director of or has an interest in, are filed in time at the various year ends. No accounts are delayed or outstanding out of time.
- MuxNet UK Ltd 31<sup>st</sup> December 2021

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

Funding has been confirmed. Letters are provided in Part B.

## Relevant expertise and experience

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

SDL is a strongly local applicant with collaboration at the heart of its ethos. It brings together two partners, each making a unique contribution by way of relevant skills and knowledge:

- Dinesh Kotak has been involved in Leicester's BBC and commercial radio stations together with Sabras Sound and several RSLs since 1976. He assisted GWR with the Leicester DAB multiplex in 2001 and has been involved in local DAB since 2002 as a director (and through Sabras Sound) a shareholder in the Leicester, Nottingham and Derby local DAB multiplexes
- MuxNet UK which includes the people behind the national Fun Kids children's radio network and MuxCo network of local DAB multiplexes, and small-scale digital radio in Bristol and South Birmingham.

SDL brings great synergies and opportunities for new broadcasters without a current platform and also for community and commercial broadcasters.

### **Multiplex Management**

SDL has entered into a multiplex management agreement with MuxNet UK, who will oversee the build of the multiplex and transmitter network, contracts with service providers, liaison with Ofcom and service providers and oversee day to day multiplex management and service provider liaison ongoing.

This team has considerable experience in launching, establishing and maintaining local and small-scale DAB multiplexes. They have the required technical competence, operational expertise, financial knowledge and aptitude to manage third party relationships successfully.

Multiplex management involves supporting, maintaining and upgrading the multiplex system hardware & software; promoting the multiplex; contracting services to ensure that the multiplex is always full; invoice management and payment collection; and working with programme services to ensure DSPS and regulatory licence compliance.

The team will be responsible for the launch of the multiplex and its subsequent day to day operation; in particular:

- Overseeing bit rate variations, enhancements or projects required by service providers, such as EPG provision, temporary services and data developments.

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- Working with service providers and the transmission subcontractor to maximise multiplex functionality and efficiency.
- Monitoring and fault reporting, ensuring that the output of all service providers is correctly logged and compliant with legislation and codes.
- Developing new revenue streams.

They will oversee any multiplex re-configurations and these will be undertaken in line with our policies and contractual agreements with service providers.

**Team**

The members of SDL share a track record of successfully establishing and operating radio stations as well as local and small-scale DAB multiplexes. Their combined experience as multiplex operators and service providers demonstrates these capabilities and give us an excellent understanding of what is required in Leicester – good coverage, service reliability and easy access for programme providers at an affordable and realistic price.

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

Function	Responsible party	Previous experience
Installation of transmission equipment	Maxxwave	Maxxwave and MuxNet have substantial experience in delivering and operating local and small-scale multiplexes.
Ongoing maintenance of the transmission equipment	Maxxwave	
Installation of the Multiplexing equipment	Maxxwave	
Day-to-day technical management and maintenance of the multiplexing equipment (if different from response to question 3.28 above)	MuxNet	

## Timetable for coverage roll-out

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

We intend to launch the Leicester small-scale DAB multiplex within 8 months of approval of our technical plan, delivering a full line-up of services to over 265,000 people within the polygon.

Upon award, we will immediately advance negotiations regarding the proposed transmission site (or any alternative site if necessary) and liaise with other radio multiplex licensees on any impact our proposed transmitter might have. Once completed, we will seek agreement from Ofcom for the proposed technical plan – mindful that the coverage proposed in our application is an award criterion and that any change will need to deliver broadly equivalent coverage.

We will send final site details to Ofcom for clearance and provide evidence of liaison and agreement with other radio multiplex licensees. Given the time taken to co-ordinate services we recognise the importance getting the final transmitter plans to Ofcom as quickly as possible.

Our timeline then focuses on the following key stages:

- Building and installing the DAB multiplex and transmission chain
- Finalising carriage agreements with the service providers
- Commissioning and testing the transmitter equipment for compliance with Ofcom's Digital Radio Technical Code
- Providing Ofcom with evidence of compliance with the licence and the Digital Radio Technical Code

We have confirmed the availability of all equipment and professional services to meet our timescales.

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

A GANTT chart is included in Appendix E.

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

### About this section

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

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

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

### Involvement of C-DSP providers

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

NO

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

N/A

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

N/A

## Demand or support from programme providers

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

In addition to the services in the following table, we confirm that we will offer capacity to all existing community radio services in Leicester licensed by Ofcom on the same terms as other services and with a discounted ratecard:

- EVA FM
- Take Over Radio
- Radio 2 Funky
- Kohinoor Radio
- Radio Seerah
- Demon Fm

Given that most of these services are part of an alternative bid, we have not been able to provide confirmation with these services.

We have spoken with and have confirmation from the following services as to carriage on the multiplex.

Name of service provider and station name (if known)	Proposed C-DSP or DSP	Nature of evidence of support provided
1. Leicester Community Radio	DSP	Email confirmation
2. Sanskar Radio	DSP	Letter
3. Panj Pani Radio	DSP	Letter
4. Swaminarayan BAPS Leicester	DSP	Spoken
5. Aap Ki Awaaz	DSP	Email confirmation
6. UK Asian Plus	DSP	Email confirmation
7. Limo Radio	DSP	Email confirmation
8. Gulshan Radio	DSP	Email confirmation
9. Bhangra Beats	DSP	Email confirmation
10. Jalaram Community	DSP	Email confirmation
11. Gujarat Hindu Association	DSP	Email confirmation
12. Geeta Bhavan	DSP	Spoken

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13. One World Radio	DSP	Email confirmation
14. Lohana Radio	DSP	Spoken
15. Leicester Property News	DSP	Spoken
16. Leicester Multi-Cultural Association	DSP	Email confirmation
17. Fun Kids Junior - Children's Radio UK	DSP	Letter
18. Nation 70s – Nation Broadcasting	DSP	Email
19. Nation 80s – Nation Broadcasting	DSP	Email
20. Nation 90s – Nation Broadcasting	DSP	Email
21. Confidential Service 1	DSP	Email confirmation
22. Confidential Service 2	DSP	Email confirmation
23. Confidential Service 3	DSP	Email confirmation

## 5. Fair and effective competition

### About this section

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

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

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

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

Our application is made by a consortium who are committed to providing affordable and efficient digital radio services to Leicester.

We have contacted all community radio services that broadcast within and / or are audible within the licence area. We have identified that there is strong interest and support for a small-scale multiplex for Leicester, as well as strong interest in carriage on the multiplex on the terms and conditions that we have proposed.

We have also discussed the opportunity with community services that currently do not serve the area, as well as commercial services who are looking for carriage on multiple multiplexes, and have received equally strong support.

We are therefore confident that we will provide a strong line up of local, community and commercial services on the multiplex from launch, covering a wide range of tastes and interests; local, regional and national.

We will continue to promote opportunities on the multiplex to broaden the range of formats and suppliers on the multiplex.

In approaching prospective programme service providers, we have acted in a manner to ensure fair and effective competition in the provision of community and local digital sound programme services.

- We contacted the known potential service providers; both local, regional and national.
- We created and maintain a register of requests for capacity for services, and those requests are assessed on a 'first-come, first-served' basis. Details of our contacts and discussions with prospective programme service providers are attached in Appendix G.
- We have published and provided each prospective service providers a ratecard which identifies tiering for Reserved and Un-reserved capacity.

## 6. Declaration

### About this section

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

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



Full name of the person authorised to make the application of behalf of the applicant:

**Don Kotak**

Date of application: 25<sup>th</sup> April 2022

I am authorised to make this application on behalf of the applicant in my capacity as **COMPANY DIRECTOR**