



## Invitation to Apply for a trial small scale DAB multiplex licence

Publication date: 24 February 2015  
Closing date: 7 April 2015

## About this document

This document invites applications for trial small scale DAB multiplex licences. A radio multiplex service is the means by which a number of digital radio services are broadcast.

There are up to ten of these short-term licences available, each of which has a term of nine months, and they are intended for organisations wishing to trial an experimental small scale DAB technology. These trial licences will be awarded by Ofcom in what is known as a 'beauty contest'. This means that applications are judged against specified criteria, and Ofcom awards the licence to the applicant which it considers best meets the criteria. This document sets out the information Ofcom needs to receive from applicants.

We have published a statement setting out our policy in this area in full alongside this document. The closing date for applications is **3pm on 7 April 2015**.

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## Section 1

# Introduction

- 1.1 Pursuant to Section 9(1) of the Wireless Telegraphy Act 2006, Ofcom is publishing this Invitation to Apply (ITA) for trial small scale DAB multiplex service licences. There will be up to ten licences available across the UK. Applicants may only apply for one licence.
- 1.2 The deadline for applications for the licences specified in this ITA is **3pm on 7 April 2015**.
- 1.3 This ITA sets out the licensing process for applicants, the main criteria that must be met, and guidance on how to apply for licences.
- 1.4 All applicants **must** complete an application form, which has been published alongside this document, and is available on the Ofcom website: <http://licensing.ofcom.org.uk/radio-broadcast-licensing/digital-radio/small-scale-trial-multiplex-licensing/>. This form, along with any required supporting documentation, should be completed electronically and submitted via email to [smallscaleDAB@ofcom.org.uk](mailto:smallscaleDAB@ofcom.org.uk) by the closing date.
- 1.5 Applicants do not need to submit an application fee alongside their application for a trial small scale DAB multiplex licence.
- 1.6 Ofcom's Statement on Small Scale DAB Trials, available on our website, sets out our policy in this area. Other supporting information may be found in other publications by Ofcom and other parties, web links for which are given in this document.

## Alterations and disclaimer

- 1.7 Ofcom reserves the right to alter or correct any part of this ITA at any stage before the closing date for applications. Any additional documents referred to in this ITA may also be amended from time to time. Any such alterations, corrections or supplementary information will be made available on our website ([www.ofcom.org.uk](http://www.ofcom.org.uk)).
- 1.8 The information given in this ITA is not an exhaustive account of the statutory and licensing requirements and should not be regarded as a complete and authoritative statement of the law. Nor does any information we issue, whether in this ITA or elsewhere, imply any judgement by us as to the commercial prospects for the applications, or the profitability of the licensed services. All applications are made at the applicant's own risk. Applicants should take their own legal advice on all information contained within this document.

## Contact details

- 1.9 Any queries on the contents of this document should be sent to [smallscaleDAB@ofcom.org.uk](mailto:smallscaleDAB@ofcom.org.uk).

## Section 2

# Applying for a trial small scale DAB multiplex licence

- 2.1 This document should be read in conjunction with the trial licence application form. Where sections in this document are particularly relevant to particular sections of the application form, this is indicated by reference to the number of the relevant section(s) of the application form.
- 2.2 This section sets out the application and award process, along with general guidance on how to complete the application form. Information about other relevant types of licence is also included here.

## Application process and documents

### Submission of applications

- 2.3 The application documents can be found at: <http://licensing.ofcom.org.uk/radio-broadcast-licensing/digital-radio/small-scale-trial-multiplex-licensing/>.
- 2.4 Applicants must comply with all the requirements set out in this document and the application form. Failure to do so may render the application liable to disqualification.
- 2.5 One electronic copy of the completed application, along with the supporting documentation also in electronic format<sup>1</sup>, must be submitted to Ofcom via email to [smallscaleDAB@ofcom.org.uk](mailto:smallscaleDAB@ofcom.org.uk), no later than 3pm on the closing date.
- 2.6 Applications received after this time will not normally be accepted. Applicants should bear in mind that email may be unreliable and are therefore strongly advised to submit applications at least 48 hours in advance of the deadline. Further, applicants should note that files over 10 MB may not be received and should plan their submissions accordingly. We will confirm receipt of applications by email reply.
- 2.7 If there is a difficulty with submitting applications electronically, applicants should contact [smallscaleDAB@ofcom.org.uk](mailto:smallscaleDAB@ofcom.org.uk) to enquire about alternative ways of submitting, but we would consider these only in exceptional and justified circumstances.
- 2.8 Ofcom will only accept one application per applicant.

## The applicant entity

- 2.9 The trial small scale DAB multiplex licence should be held by the entity or person which legally will be deemed the provider of the multiplex service.
- 2.10 Most of the prohibitions that generally apply in broadcasting also apply to trial small scale DAB multiplex licensees, except for the prohibition on advertising agencies. The following are disqualified from holding a licence or controlling a licensee:

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<sup>1</sup> Word document or RTF files are acceptable. The application form must be received in an editable format.

- 2.10.1 Local authorities;
  - 2.10.2 Political bodies;
  - 2.10.3 Religious bodies;
  - 2.10.4 Publicly-funded bodies;
  - 2.10.5 Bodies exerting undue influence; and
  - 2.10.6 Broadcasting bodies, specifically the BBC and S4C.
- 2.11 There are no restrictions on other local media companies holding a trial small scale DAB multiplex licence.
- 2.12 Although we generally expect that applicants for licences will be bodies corporate, individuals are not excluded from holding licences under the Wireless Telegraphy Act 2006. The obligations and responsibilities of the licence do not vary depending on the type of person (legal or natural) holding the licence.
- 2.13 Where an applicant entity is a body corporate, the Memorandum and Articles of Association, as well as the Certificate of Incorporation or other founding documents, should be supplied with the application.
- 2.14 All applicants must complete the concluding declaration of the application in full (question 14). This declaration must be true and accurate to the best of your knowledge at the time of application, and confirms the extent of involvement anyone in your group has with certain types of bodies.

## **General guidance on completing the application form**

- 2.15 This section sets out some general guidance for the completion of the application form. More detailed guidance on completing specific sections of the application form relating to programming is in Section 3 of this document.
- 2.16 You should aim to keep your answers concise and to the point.
- 2.17 Some sections contain word limits and any information beyond the word limit will generally not be considered.
- 2.18 You should answer every question in the application form.

## **Supporting documentation**

- 2.19 The application form asks you to include with your application a number of supporting documents. Full details of what should be included in these supporting documents are set out in this document.
- 2.20 In particular, you must include:
- 2.20.1 a week by week plan detailing how you intend to launch the multiplex service within 12 weeks of licence award;
  - 2.20.2 evidence that you have access to your proposed transmission sites and agreement for their use from the site owner;

- 2.20.3 evidence that you have access to a building or room where you propose to locate the multiplexer (where this is different from your proposed transmission site(s)), and agreement for its use from the site owner;
  - 2.20.4 evidence that the programme services you propose will be carried on the multiplex;
  - 2.20.5 photographs of your proposed transmission sites;
  - 2.20.6 an itemised list of the costs you expect to incur in relation to the installation and operating costs of the multiplex.
- 2.21 You may also provide an illustrative sketch of your proposed coverage area to aid clarity if you wish.
- 2.22 Please do not include any generic letters of support or any additional media, such as programme material, as part of your application, as we will not take these into account when assessing your application.
- 2.23 Please do not insert pictures into the application form.

### **Confidentiality**

- 2.24 All applications will be published on the Ofcom website. Applicants may request that some parts of an application be submitted in confidence. The sections that may be in confidence are marked on the application form. You should tick the relevant box on the application form if you wish to request that the section be removed from the published copy of the application.<sup>2</sup>
- 2.25 Personal information, such as that contained in the director profiles, will normally be redacted. However, please note that the public contact details (question 12), including the name, address, telephone number and email address of the contact, cannot be redacted and will be published on our website.
- 2.26 Supporting documentation will not normally be published.
- 2.27 Where an applicant asks us to keep information confidential, we will treat this request seriously and will try to respect it. However, Ofcom may need to publish all applications, including parts that are marked as confidential, for the purposes of carrying out of Ofcom's functions.
- 2.28 If you wish to submit further information in confidence other than where this is specifically indicated as permissible, you must seek confirmation that this is acceptable beforehand, by email, from the Small Scale DAB team ([smallscaleDAB@ofcom.org.uk](mailto:smallscaleDAB@ofcom.org.uk)).

### **Provision of information**

- 2.29 All information provided in the application must be true and correct. If any amendments need to be made by an applicant due to circumstances outside its control, then Ofcom should be informed immediately. No material amendments to the proposals provided in the application may be made by the applicant without the

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<sup>2</sup> All tick boxes in the application form can be checked by right-clicking on the box, selecting 'Properties' and then selecting 'Checked' under the 'Default value' section of the menu.

agreement of Ofcom. Ofcom will not agree to any such amendment which it considers would be unfair to any other applicant applying for a trial multiplex licence.

- 2.30 The application form includes a concluding declaration that you must sign confirming that the information in the application and in any supporting documents is true and correct on the date signed.
- 2.31 Submission of an application will be taken as evidence of willingness to accept a licence, if offered, on the terms indicated.
- 2.32 Any queries on the licence application process should be directed to [smallscaleDAB@ofcom.org.uk](mailto:smallscaleDAB@ofcom.org.uk).

## Licensing process

### Licence assessment and award

- 2.33 Ofcom will aim to assess applications and award licences as soon as practicable after the closing date for applications. The duration of this period is subject to the volume and complexity of applications.
- 2.34 Ofcom will assess applications based on the proposals presented in the completed application form. In the course of assessing applications, Ofcom may seek clarification and/or amplification of the information or proposals set out in an application. We may also require applicants to furnish such additional information in such form or verified in such manner as we may specify. This will be done through correspondence with the contact person named in the application. Applicants should respond to such requests within the time period specified by Ofcom.
- 2.35 Application forms, with any confidential information redacted, will be published on the Ofcom website soon after the closing date.
- 2.36 Ofcom will assess the licence applications in two stages, as set out in our policy statement. First we will assess whether the applications meet the eligibility criteria. Applicants must:
  - 2.36.1 Be eligible to hold the licence;
  - 2.36.2 Specify which type of trial they wish to apply for;
  - 2.36.3 Demonstrate that they are able to establish the service within 12 weeks of licence award;
  - 2.36.4 Demonstrate that they have access to suitable transmission site(s) in the areas that they propose to serve;
  - 2.36.5 Provide evidence that they will be able to provide at least two programme services from different providers on the multiplex (such programme services will need to be licensed as DSPSs), each of which will broadcast for a minimum of nine hours per day for the duration of the trial; and
  - 2.36.6 Undertake to meet the installation and operating costs of the trial.
- 2.37 Applications that do not satisfy these minimum criteria will not be considered further for award of a licence to conduct any of the trials.

- 2.38 Once we have assessed which applicants meet the eligibility criteria, we will assess the frequency availability for the locations proposed by eligible applicants. If we are unable to find an available frequency for any of the applicants, we will inform those applicants of the outcome and will not consider their applications further.
- 2.39 If we have more applications than we are able to provide licences for, either because we receive more than ten eligible applications, or because we are not able to provide frequencies for all eligible applications, we will then assess applications for each type of trial against the following criteria.
- 2.40 Whilst we will provide all successful applicants for the Type 1 trial (the single transmitter trial) with equipment if they require it, we will only be able to provide the necessary equipment to conduct one Type 3 trial (the on-channel repeater trial) and two Type 2 trials (the SFN trials).
- 2.41 Therefore, if we receive more than one eligible application which meets the eligibility criteria set out below and requires equipment from Ofcom for the Type 3 trial, we will assess the applications in accordance with the criteria set out below, and will offer the equipment to the applicant who in our view best meets our assessment criteria for the Type 3 trial. If this applicant does not require our equipment, we will offer the equipment to the next applicant who in our view best meets the assessment criteria. If, however, the first applicant requires the equipment from Ofcom and the remaining eligible applicants do not have their own equipment for the Type 3 trial, we will contact such applicants to ask whether they would be interested in participating in either the Type 1 trial or the Type 2 trial. If any of the applicants are interested in taking part in either the Type 1 trial or the Type 2 trial, we will assess their applications together with other applications which we received for the Type 1 trial or the Type 2 trial respectively in accordance with the criteria set out below. This means that we will assess the applicants interested in the Type 1 trial in the pool with all applicants who applied for the Type 1 trial and the applicants interested in the Type 2 trial in the pool with all applicants who applied for the Type 2 trial.
- 2.42 We will also take this approach with the applications for the Type 2 trial, if we receive more than two applications requiring equipment from Ofcom. In this case, we will offer the necessary equipment to the two applicants who in our view best meet the assessment criteria for the Type 2 trial. If these applicants require the equipment from Ofcom and the remaining eligible applicants do not have their own equipment for the Type 2 trial, we will contact the remaining eligible applicants to enquire whether they would be interested in participating in the Type 1 trial. If any of the remaining applicants are interested in the Type 1 trial, we will assess their applications together with other applications which we have received for the Type 1 trial in accordance with the criteria set out below.
- 2.43 The remaining eligible applicants may also indicate whether they are interested in the Type 3 trial and if so, whether they have the necessary equipment to conduct this trial and access to two appropriate transmission sites. Whilst this situation may be unlikely, if it is to occur we will take one of the following approaches as appropriate:
- 2.43.1 if we have not received any applications for the Type 3 trial and provided that the applicant meets the eligibility criteria, we will award a licence to that applicant and offer the necessary equipment to him;
- 2.43.2 if we have received one or more applications for the Type 3 trial and the applicant who in our view best meets the assessment criteria requires the equipment from Ofcom, we will only be able to grant a licence to the

applicant who originally applied for the Type 2 trial provided he has the necessary equipment for the Type 3 trial. Whether or not we will be able to grant a licence in such circumstances will depend on the number of applications which we will receive for the Type 3 trial and for the remaining trials. As explained above, our aim is to have as far as possible an even number of trials of each scenario. If there are more applicants who would like to participate in the Type 3 trial and have their own equipment than the number of the Type 3 trials we are able to run, we will assess all of their applications in the same pool in accordance with the assessment criteria set out below.

## **Trial Type 1: A single transmitter carrying multiple services**

### **Criterion 1: The extent to which an applicant's proposals meet the objectives of the trials**

- 2.44 We will assess how well each applicant's proposals would meet the three principal objectives that we want to achieve from further field trials. As we explain in paragraph 1.9 above, these are:
- 2.44.1 To test the function, capability and stability of software-defined DAB multiplex services, particularly in SFN mode;
  - 2.44.2 To test how well the available technology lends itself to several parties coordinating their services into the multiplex (many small scale radio services do not have experience of using multiplexing technology); and
  - 2.44.3 To give the market an opportunity to learn about the software-defined DAB platform and the potential opportunities it affords, particularly for those stakeholders that are not familiar with digital radio broadcasting.
- 2.45 As part of these technical trials we are seeking to test the capability and stability of the technology when carrying live broadcasts from separate programme service providers on a single transmitter.

### **Criterion 2: Readiness to establish the service**

- 2.46 In demonstrating their ability to establish their proposed service, applicants must provide an outline schedule (by week) of how the service will be established within 12 weeks of licence award, including installation of the radio equipment and completion of any necessary works relating to this in order to meet the service commencement date at the transmitter location.
- 2.47 There are time limits within which all of the trials must be conducted and it is our aim to establish the trial as soon as possible. Ofcom will therefore look favourably on applications that are able to provide evidence of their ability to credibly commence a trial service sooner than 12 weeks from licence award. We will take into account any further information that applicants provide concerning their ability to establish the service such as evidence of past experience and access to people that have a reasonable level of technical competence.
- 2.48 If an applicant fails to launch within 12 weeks, Ofcom may withdraw the licence award and re-award the licence to another eligible applicant.

### **Criterion 3: Access to a suitable transmission site**

- 2.49 In order to demonstrate their eligibility in relation to this criterion, applicants should provide evidence that they have an agreement with the property owner to use the proposed site for DAB transmissions in the area that they propose to serve.
- 2.50 In assessing applicants' proposals we will have regard to:
- 2.50.1 the likely ability of the proposed site to be able to serve population in the target area;
  - 2.50.2 the quality of the evidence provided by the applicant such as written evidence of agreements with the site owner and the likelihood of gaining early access;
  - 2.50.3 the likelihood of the proposed transmission site causing ACI to other services.
- 2.51 When selecting a transmission site, applicants should therefore take into account the proximity to either houses or roads to reduce the risk of interference to either in-home or in-car reception.
- 2.52 Ofcom may require a licensee to cease transmission should there be evidence that the service is causing interference (including ACI) to other services.

#### **Criterion 4: Provision of programme and other services**

- 2.53 Our requirement for this trial is for a single transmission configuration which must carry at least two separate services.
- 2.54 This trial is aimed at all small scale services from across the radio sector which includes community, commercial, internet services and potentially new entrants to the market. It is therefore likely that if any small scale DAB multiplex services are permanently licensed in future, a range of different services will need to cooperate to share a multiplex in some areas.
- 2.55 Therefore, we will favour applicants who propose to carry services from providers of different size and scale within the multiplex. An example would be to provide at least one community radio service and one commercial radio service.
- 2.56 Applicants must provide evidence that there are agreements in place with service providers. Evidence can take the form of letters confirming that services will be carried on the multiplex, Heads of Terms, a Memorandum of Understanding or other documents as appropriate. We will look more favourably on applications that are able to provide good quality evidence of commitment from potential service providers, including their readiness to launch a service and to continue to provide it throughout the duration of the trial.
- 2.57 All services must be appropriately licensed by the time that they intend to commence broadcasting. Any services proposed for inclusion should either be a service that is already appropriately licensed, or the proposed provider should give an undertaking that it is prepared to apply for an appropriate licence in good time. Whilst we will endeavour to process applications as quickly as possible, how quickly licences are issued will depend on the number of applications we receive at any given time. As explained in paragraphs 3.4-3.15 above, applicants must provide at least two programme services from different providers on the multiplex and each of those

services should be licensed as a DSPS. The multiplex may carry more than two local DSPSs, and may also carry DASs.

- 2.58 Services must be provided for a minimum of nine hours per day between 9am and 6pm. We will favour those services that are able to broadcast for longer periods in excess of the minimum requirement.

#### **Criterion 5: Understanding of the installation and operating costs**

- 2.59 Although we will provide sufficient equipment to establish the multiplex to those applicants who require it, we will not provide any support for the installation and operating costs. Therefore all applicants must undertake to meet these costs, as well as any capital costs that fall outside the equipment Ofcom provides.
- 2.60 While we have attempted to provide guidance on the additional equipment and materials that licensees might need to provide, actual costs to establish the trial services may vary depending on the equipment and sites used, and the extent of the coverage.
- 2.61 As part of the application, we ask applicants to provide a breakdown of costs that they anticipate incurring in relation to establishing the trial service and satisfying the technical requirements set out in paragraphs 2.12-2.46 above, including Table 1. Applicants' own assessment will give Ofcom assurance of whether they understand the level of the financial commitment involved in the trial. Applicants must give an undertaking that they will bear these costs for the duration of the trial period.

### **Trial Type 2: An SFN carrying multiple services based on two transmitter sites**

#### **Criterion 1: The extent to which an applicant's proposals meet the objectives of the trials**

- 2.62 As for Trial 1, as part of these technical trials we are seeking to test the capability and stability of the technology in SFN mode using multiple co-ordinated transmitters.

#### **Criterion 2: Readiness to establish the service**

- 2.63 As for Trial 1.

#### **Criterion 3: Access to suitable transmission sites**

- 2.64 As for Trial 1, except that applicants will need to provide evidence of permission to access two transmission sites.

#### **Criterion 4: Provision of programme and other services**

- 2.65 As for Trial 1.

#### **Criterion 5: Understanding of the installation and operating costs**

- 2.66 As for Trial 1.

## **Trial Type 3: An SFN carrying multiple services based on two transmitter sites with one of them an on-channel repeater**

### **Criterion 1: The extent to which an applicant's proposals meet the objectives of the trials**

2.67 As for Trial 1, as part of these technical trials we are seeking to test the capability and stability of the technology in SFN mode using an on-channel repeater.

### **Criterion 2: Readiness to establish the service**

2.68 As for Trial 1.

### **Criterion 3: Access to suitable transmission sites**

2.69 As for Trial 1, except that applicants will need to provide evidence of permission to access two transmission sites.

2.70 In assessing applicants' proposals we will have regard to the likelihood of an on-channel repeater being able to function reliably. We will take into account the information provided by the applicant on the practical spacing between receive and transmit antennas and the likely level of isolation between them that will result. Based upon the site locations proposed by the applicant, we will take into account the likelihood of the on-channel repeater receiving a good signal from the parent transmitter.

### **Criterion 4: Provision of programme and other services**

2.71 As for Trial 1.

### **Criterion 5: Understanding of the installation and operating costs**

2.72 As for Trial 1.

2.73 All decisions and the reasons for those decisions will be published on our website as soon after licence award as practically possible.

2.74 Successful applicants will be notified in writing of Ofcom's decision to award a licence. It should be noted that a licence award is not authorisation to provide a service. It only sets out Ofcom's decision about which of the applicants should be granted the licence. The licence must be granted and in force before a service can commence.

### **Licence start date and duration**

2.75 Ofcom will prepare a Wireless Telegraphy Act licence for each licence awarded. This will be signed by Ofcom and issued to the licensee shortly before service launch. This is referred to as 'granting'. There will be no accompanying licence issued under the Broadcasting Act 1996.

2.76 At the point of granting, each licence will specify a commencement date and the licence conditions will come into force on this commencement date. This is when the licence term begins.

- 2.77 All successful trial licence applicants will be required to launch their service within 12 weeks of the date of licence award, unless Ofcom gives permission for a later launch due to unforeseen circumstances.
- 2.78 In the event that a trial multiplex fails to launch within this timeframe, Ofcom may withdraw the licence and seek to re-award the licence to another eligible applicant.
- 2.79 Applicants are asked to set out in their application a realistic launch date within this 12 week window, and a detailed plan for how this will be achieved.
- 2.80 The term of the trial multiplex licences will be nine months from the commencement date.

## Programme service licences

- 2.81 The trial multiplex licence authorises the use of spectrum for the multiplex service only. All services carried on the multiplex service **must be appropriately licensed under the Broadcasting Act 1996**, through a Digital Sound Programme Service (DSPS) licence or a Digital Additional Services (DAS) licence issued by Ofcom. It is unlawful to broadcast a DSPS or DAS without a licence, or to carry an unlicensed service.
- 2.82 All services proposed in the application must be appropriately licensed, or it must be confirmed in the application that the service providers will apply for the appropriate licences in good time to launch on the multiplex.
- 2.83 As part of the application process for these licences, a letter of corroboration from the multiplex that will carry the service must be included. Because of the inherent uncertainty around which multiplexes will be licensed, programme service providers **should not submit an application for a DSPS (or DAS) licence** until the outcome of the awards is known and the successful multiplex licensees are able to provide a letter of corroboration.
- 2.84 Ofcom will not accept any applications for DSPS or DAS licences for services to be carried on a trial multiplex without a letter of corroboration from the holder of the relevant multiplex licence, once that licence has been awarded. Any applicant submitting the application fee before this time runs the risk of losing this fee without refund if the multiplex application is not successful.
- 2.85 Ofcom will endeavour to license all DSPS and DAS in good time for the multiplex to launch within its 12 week window, but it is for service operators to ensure that the relevant applications are submitted in good time. Ofcom aims to issue DSPS and DAS licences within four weeks of receipt of the application, but this is subject to the volume and complexity of applications, and service providers are advised to submit applications as soon as they can after the relevant multiplex licence is awarded.
- 2.86 All applications for DSPS and DAS licences must include the relevant application fee. Ofcom will not process the application without the application fee. Full guidance on applying for these licences is set out on our website.<sup>3</sup>

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<sup>3</sup> <http://licensing.ofcom.org.uk/radio-broadcast-licensing/digital-radio/dsp/>

## Section 3

# Applicant details and ownership

## Introduction

- 3.1 This section steps through the first four questions of the application form, which relate to the details and ownership of the applicant body.
- 3.2 It is important that Ofcom has the correct information for any company applying for a licence, to assess it against our statutory responsibilities.

## Details of applicant (Question 1)

- 3.3 This section of the application form asks for several separate pieces of information:
- 3.3.1 The applicant name – Only individual applicants need to complete this box. If the applicant is an individual, this should be the individual's full name. This is the individual to whom we will award the licence if successful. Applicants that are bodies corporate do not need to complete this box.
  - 3.3.2 The company or other body corporate name (if applicable) – only those applicants which are a body corporate need to complete this box, and the following three boxes. This should be the name of the company as registered with Companies House. This is the company to which we will award the licence if the application is successful.
  - 3.3.3 Date of registration – this is the date on which the company was registered with Companies House.
  - 3.3.4 Company registration number – this is the number given to the company by Companies House when the company was incorporated.
  - 3.3.5 Type of company (or other body corporate) – there are a range of types of company, which can have a bearing on how they operate, for example, a company limited by share, or a company limited by guarantee. Please tell us what type of company the applicant is.

## Ownership (Question 2)

- 3.4 Only applicants that are a body corporate need to answer this question.
- 3.5 You must provide full details of how the company is owned and controlled. This must include details of all members, shareholders, or whatever is appropriate for the type of company, and the extent of their control (for example, what percentage of the shareholding or voting rights they hold).
- 3.6 If the final ownership arrangements are not in place, for example because they are pending licence award, please state both the current state of ownership and control, and what it will be when the trial multiplex licence is in force.
- 3.7 Please include details of any individual or company that can exert control over the applicant company, and the means by which this control is exercised.

- 3.8 In this context, the following types of bodies are disqualified for the purposes of holding a trial small scale DAB multiplex licence:
- 3.8.1 Local authorities;
  - 3.8.2 Political bodies;
  - 3.8.3 Religious bodies;
  - 3.8.4 Publicly-funded bodies;
  - 3.8.5 Bodies exerting undue influence; and
  - 3.8.6 Broadcasting bodies, specifically the BBC and S4C.

### **Director profiles (Question 3)**

- 3.9 Only applicants that are a body corporate need to answer this question.
- 3.10 You must complete a separate table for each director. If there are any proposed directors (i.e. not yet registered on Companies House), you should also complete a separate table for each of these, clearly indicating that they are proposed directors and when you anticipate that they will be appointed.
- 3.11 Some or all of the information, except the names of individuals, in these tables will usually be redacted from the published version of the application. The names of directors cannot be redacted.
- 3.12 Please answer every question in this section. When assessing your application Ofcom needs to understand fully who will have executive responsibility for the service, and what their particular responsibilities will be.

### **Management structure (Question 4)**

- 3.13 All applicants, whether individual or a body corporate, must answer this question.
- 3.14 In addition to the notes above on ownership, Ofcom also needs to evaluate the human resources involved in the running of a trial multiplex. Your answer should demonstrate how those who will manage the service have relevant experience.
- 3.15 Please provide an outline of the proposed management structure of the multiplex service. You should clearly identify who has executive responsibility for its operation, and explain the reporting lines within the management.
- 3.16 For directors, please also be clear who has executive responsibility in the running of the multiplex. It may be appropriate to indicate the likely time commitment of individuals if known. For any non-executive roles, please indicate clearly the proposed responsibilities and reporting structure within the applicant company.
- 3.17 You should also explain what relationship the proposed management has to any other company or existing business, for example, a parent company.
- 3.18 If your proposed structure includes any management groups such as boards or committees, you should explain their roles and remits, as well as how they fit within the reporting structure you have proposed.

- 3.19 If your proposal is for a multiplex jointly operated by a number of parties, such as different stations, you should explain here how you envisage this structure will work, and what responsibilities and roles will fall to which groups.
- 3.20 In this section names of staff members other than directors can be redacted when Ofcom publishes your application form. Please indicate clearly when submitting your application which names you wish Ofcom to redact from the published version.

## Section 4

# Trial scenario and operation

## Introduction

- 4.1 This section sets out guidance for questions 5-8 of the application form, which relate to the type of trial and applicants' proposals for their launch and operation.

## Type of trial applied for (Question 5)

- 4.2 Please specify by ticking the relevant box which type of trial you are applying for. Please only choose one trial scenario – we will not accept applications for multiple scenarios.
- 4.3 The three types of trial available are based on the technical arrangements Ofcom wishes to trial. The three types of trial are:
- 4.3.1 Trial Type 1: A single transmitter multiplex carrying multiple services;
  - 4.3.2 Trial Type 2: An SFN carrying multiple services based on two transmitter sites; and
  - 4.3.3 Trial Type 3: An SFN carrying multiple services based on two transmitter sites with one of them being an on-channel repeater.
- 4.4 For whichever type of trial you choose, it is for applicants to make sure that they have access to the relevant transmitter site(s).

## Location to be served during trial (Question 6)

- 4.5 Please specify the location you intend to serve with your trial multiplex. This should be no more than 40% of the coverage area of any local DAB multiplex which is available in the same area.
- 4.6 You should describe clearly the geographic limits of the coverage area. You can include a sketch map of the coverage area if that will aid clarity.
- 4.7 Ofcom will endeavour to meet applicants' coverage aspirations where possible, subject to frequency availability and the impact of the trial multiplexes on other spectrum users. It may not always be possible to meet coverage aspirations exactly.
- 4.8 It may not be possible to find a usable frequency in your area. Ofcom will endeavour to accommodate successful applicants wherever possible, but we may have to reject eligible applications because we are unable to find a frequency.
- 4.9 We anticipate that transmitters will usually operate at a maximum power of 100 watts for this trial period. This is because the impact on other spectrum users is likely to increase as the power level increases above this level, and the amplifiers that Ofcom will provide are specified to operate up to this power level.

## **Proposed launch date for trial service (Question 7)**

- 4.10 Please give a proposed date for the launch of the trial multiplex service. This should be given as a number of weeks after the award date, and should be no more than 12 weeks from the licence award.
- 4.11 This should be a realistic estimate based on your state of readiness to commence broadcasting. For those services that do not launch within 12 weeks, Ofcom will seek to revoke the trial licence and re-award it to another eligible applicant, if possible.

## **State of readiness to launch the trial service (Question 8)**

- 4.12 This question asks you to set out how you will launch your trial multiplex service within 12 weeks of licence award. You should set out your current state of readiness, including details of the resources available to you to establish the trial. This may include any equipment you already have and the personnel available to establish the multiplex and their relevant experience, particularly technical competence.
- 4.13 You must also include a week-by-week launch plan setting out the milestones you need to achieve in order to launch the multiplex by your proposed launch date. This should include your plans for installing the trial equipment, acquiring relevant content licences, and all other relevant milestones.
- 4.14 If you are intending to supply your own equipment, you should set out the timescales for acquiring this if necessary.
- 4.15 Ofcom will require weekly reports via email from successful applicants detailing progress against the milestones set out in this launch plan.

## **Transmitter sites (Question 9)**

- 4.16 For each transmitter site you propose to use, please provide all the information requested in this question. If the site where you propose to locate the multiplexer is different from your transmitter site, please use the additional information box to complete a table for the multiplexer site as well.
- 4.17 Only applicants for an SFN (Type 2 and Type 3 trials) need to provide details of their second transmitter site.
- 4.18 Alongside this question, you should provide the following supporting information:
- 4.18.1 Evidence of agreement with the site owner to use your proposed site(s) for the installation of antenna, and accommodation for the radio equipment as necessary. This may include the installation of external GPS antenna and/or receive antenna depending on the type of trial; and
- 4.18.2 Photographs of your proposed antenna site(s).
- 4.19 Ofcom will be unable to consider applications without a suitable transmission site or sites. Ofcom is also not able to suggest transmitter sites for applicants, or intervene in any negotiations for sites.

## Proposed programme services (Question 10)

- 4.20 All trial multiplexes must carry at least two services, preferably from different service providers. In answer to this question, please tell us which services your multiplex will carry, and who they will be provided by. Please reproduce the table in the application form for each service.
- 4.21 As set out in our policy statement, Ofcom will prefer applications for trial multiplexes that include a mix of service types, so for example a community radio service and a commercial radio service. Therefore, you should describe the nature of each service so that Ofcom can assess how great a range of service types will be provided by the multiplex.
- 4.22 DSPS licences make no distinction between commercial and community services. Therefore, for the avoidance of doubt, **in relation to services included in applications for trial small scale DAB licences only**, we will apply the following interpretation:
- 4.22.1 The following services will be considered 'community' radio services: any service provided by a licensed community radio broadcaster, whether that is a simulcast or another type of service; and any service provided by a not-for-profit internet-only broadcaster.
- 4.22.2 All other services will be considered 'commercial' services, including: services provided by a licensed commercial broadcaster; and any service provided by an internet-only broadcaster that is profit-distributing.
- 4.23 This interpretation is without prejudice to any interpretations Ofcom may make in relation to community and commercial radio licensing elsewhere.
- 4.24 Your application must make clear how the services you are proposing fall into these categories. You should also describe in brief the content of the service – for example, is it a student-led service, a music-led station, or a speech station?
- 4.25 If any of the services proposed for carriage on the multiplex are already licensed by Ofcom, for example, because they are being broadcast on analogue, please provide the Ofcom licence number for that service.
- 4.26 If any of the proposed services require an Ofcom licence for digital broadcasting, please confirm that they will be appropriately licensed by the time the multiplex service launches.
- 4.27 In order to reach the widest range of listeners, and to ensure that the programme services can be drive-tested, all services must broadcast for a minimum of nine hours per day, between the hours of 9am and 6pm. Please confirm the normal hours of broadcast for each service – these can be longer than nine hours per day.
- 4.28 Ofcom will include these services in Schedule 3 of the trial multiplex licence when it is granted, and these services constitute the minimum commitment of the multiplex. We expect that every successful multiplex applicant will launch their multiplex service with at least the services promised in their application. Services can only be added or removed from the multiplex with Ofcom's permission, and will be reflected in the trial multiplex licence.

- 4.29 You **must** include evidence with your application that these proposed services will be carried on the multiplex. This could take the form of carriage agreements, memoranda of understanding, or letters of agreements or other documents as appropriate.

### **Installation and operating costs (Question 11)**

- 4.30 Please use this part of the form to tell us about the likely installation and operating costs you expect to incur over the course of the trial. You should also indicate whether or not you propose to make use of the equipment that Ofcom is able to provide (listed in Annex 1), or whether you expect to provide your own equipment. While Ofcom is able to provide the equipment necessary to set up the multiplex, Ofcom is not able to pay installation or operating costs, nor the cost of installation sundries that are not included in the list set out in Annex A.
- 4.31 Operating costs will include things such as site rents and utilities. These will vary depending on the circumstances of each applicant, and you should set out the basis for your assessment of costs.
- 4.32 Please include an itemised list of the expenses you expect to incur during the establishment and operation of the trial. You must also confirm that you are able to meet these expenses. Any applicant who cannot meet the installation and operating costs of the trial will not be considered.
- 4.33 Please ensure that you indicate clearly here whether you wish to make use of the equipment that Ofcom is able to supply. You should do this by ticking the box to indicate this.
- 4.34 If you do not wish to use the equipment provided by Ofcom, please set out clearly what equipment you intend to use, including what models and brands (where relevant), and confirming whether you have this equipment already or will need to procure it. If you need to procure it, please set out how you will do this and how long you expect this will take. If you are applying for trial type 2 or trial type 3, please ensure that you set out what equipment you intend to use for each transmitter (or on channel repeater).

## Section 5

# Other information for applicants

## Introduction

5.1 This section sets out some other relevant information for applicants relating to the trial licences. In particular, this includes the reporting obligations for the duration of the trial, and the process in the event of any failure to comply with the licence conditions.

## Reporting obligations

5.2 As we set out in our policy statement, all successful applicants will be required to provide reports to Ofcom throughout the establishment and operation of the trial, so that Ofcom can gather the required data from trial multiplexes. This obligation is reflected in the trial multiplex licence. These will include, but are not limited to the following requirements:

5.2.1 In the **establishment phase** (i.e. before the service is licensed) of the multiplex a weekly report (via email) describing progress and challenges in relation to:

- Gaining access to transmission site(s) and accommodation;
- Gaining space on the structure;
- Circuit procurement;
- Procurement of equipment that is not included in the radio equipment but is required to launch the multiplex;
- Installation of the radio equipment; and
- Liaison with other parties contributing to the multiplex.

5.2.2 During the **course of the multiplex's operation** activity reports including:

- Event logs detailing transmission and reception problems, cause (if known), remedy and effect, including any downtime; and
- Fortnightly emails documenting reliability, reception reports/complaints and any issues arising.

5.2.3 A **final report** to be provided not later than 6 weeks from the original termination date of the licence, to include:

- A description of the trial arrangement including summary of the key aspects such as studio and transmitter locations;
- A summary of the services carried and bitrates employed;
- Summary of the issues in establishing the multiplex – both technical and logistic;
- Headline financial information including operating costs and capital costs of additional equipment;
- Any major or on-going technical issues with any element of the radio equipment, including reception issues;

- Any co-ordination issues (transmitters or services); and
  - Any additional uses of the multiplex capacity and the costs associated with it.
- 5.3 Ofcom will provide templates for these reports, including the final report, to ensure consistency of reporting, and to minimise the burden on licensees.
- 5.4 During the course of the trials, Ofcom intends to carry out **drive tests** to establish the extent and reliability of the multiplex. Ofcom will need to visit the transmission site(s) to check that the equipment is operating satisfactorily before the multiplex service commences broadcasting. We may in addition carry out further site visits during the trial. Licensees will be given one weeks' notice of our intention to carry out a site visit.
- 5.5 Ofcom will publish its own final report in summer 2016, once the trials have concluded, based on the reports submitted by trial licensees, and our own testing. We anticipate publishing as much of each trial multiplex's final report as possible, but we shall consult each multiplex licensee in relation to confidential information.

### **Modification, restriction, closedown and revocation**

- 5.6 There are a number of scenarios in which Ofcom may require the licensee to cease operating, or even revoke the trial licence altogether. This is primarily to protect other spectrum users from any undue interference, but there may be other circumstances. The process for these is set out in the trial multiplex licence, and in the Wireless Telegraphy Act 2006.
- 5.7 In particular, applicants should be aware that Ofcom may require modification or restriction, of the radio equipment, as well as for the service to cease operating, for a range of reasons, particularly if a licence breach has occurred, or there is undue interference being caused to other users. Ofcom can revoke the trial multiplex licence if a breach of the licence occurs.
- 5.8 Ofcom can also revoke the licence for spectrum management reasons at a month's notice. This is to protect other spectrum users from interference from the trials.

**Annex 1**

## Equipment to be provided by Ofcom

	Item	Ofcom provided			Licensee responsibility
		Trial Type 1	Trial Type 2	Trial Type 3	
1	Transmitting antenna and mounting hardware	1	2	2	
2	Feeder cable to connect power amplifier, filter and antenna	100m	200m	200m	
3	Mask filter	1	2	2	
4	Power amplifier	1	2	1	
5	Software defined radio	1	2	1	
6	Low cost computer to implement modulator	1	2	1	
7	Low cost computer to implement multiplexer	1	1	1	
8	Low cost computer to implement encoder plus sound input device for each	up to 6	up to 6	up to 6	
9	Low cost computer to act as a spare for items 6,7 & 8	1	1	1	
10	On-channel repeater	-	-	1	
11	Receiving aerial and 100m coaxial cable	-	-	1	
12	GPS frequency reference plus aerial	-	2	-	
13	Sundry installation materials (e.g. cable ties, feeder cleats)	-	-	-	✓
14	Accommodation & ventilation	-	-	-	✓
15	Installation of equipment and antennas	-	-	-	✓
16	Installation of encoders at sound programme provider premises and connection to source	-	-	-	✓
17	Broadband circuits	✓	✓	✓	

Notes: Items 4, 5, 6, 7 and 12 will be provided installed and pre-connected in a 19" flight case rack. The mask filter is a standalone unit.

The list of items above is for guidance and is not exhaustive.

- A1.1 In addition to the items indicated above as being for the licensees to provide, licensees will need to provide all other components to install and operate the radio equipment. It will be licensees' responsibility to meet all of the operating and installation costs of the trial.
- A1.2 We do not propose to include the details of the radio equipment we will provide to licensees in the licence. The radio equipment provided will be the subject of a separate agreement which will include a provision for recovery of the equipment by Ofcom in the event that the licence is revoked or upon completion of the trial.