

## Revocation of the Isles of Scilly small-scale radio multiplex licence award

### Background

Under section 51(6) of the Broadcasting Act 1996 (as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019), Ofcom may revoke the award of a small-scale radio multiplex licence where the licence itself has not yet been granted and Ofcom has reasonable grounds for believing that the person to whom the licence was awarded will not provide the service within 18 months of the date of the award.

### Decision

Ofcom has taken the decision to revoke the licence award we made on 19 July 2021 to Like DAB Limited (“Like DAB”) in relation to the Isles of Scilly small-scale radio multiplex service.

This is on the basis that the statutory conditions for revocation as set out above have been met. Firstly, the awarded licence has not yet been granted. Secondly, we have reasonable grounds to believe the service will not be provided within 18 months of award (i.e. by 19<sup>th</sup> January 2023) as Like DAB had confirmed that will be unable to launch by the deadline, citing difficulties in finalising arrangements at the proposed transmitter site and in commissioning at an island location where access is more challenging in the winter months. Although a final technical plan had been submitted and approved, Ofcom is not in a position to grant a licence to a service that cannot be provided within the 18-month period set out in the legislation.

Consequently, Ofcom considers the statutory criteria in section 51(6) of the Broadcasting Act 1996 have been met, and the award has been revoked.

### Re-advertisement

Like DAB has expressed a wish that a licence be re-advertised for the Isles of Scilly, noting that plans were well advanced for launch and there was a good level of support from potential digital sound programme service providers.

Ofcom has already announced that we plan for the next round of small-scale radio multiplex licensing, Round Five, to cover the London and South East England macro-area. However, we had also publicly expressed an intention to re-advertise the Welsh Valleys licence (with revised boundaries focusing on the west of the area) alongside Round Five. We can also confirm that, following expressions of interest received following the revocation of the Alnwick & Morpeth award, we plan to readvertise that area alongside Round Five (again with revised boundaries, reflecting the fact that the launched Tynemouth & South Shields and Newcastle & Gateshead multiplexes provide good coverage of the southern part of the previously advertised area).

We therefore plan to readvertise the Isles of Scilly alongside Round Five, as well as the revised Welsh Valleys and Alnwick & Morpeth localities. We do not propose to revise the boundaries of the Isles of Scilly advertised area given that, although it has a low population compared with other planned

areas, the isolated location does not lend itself to obvious additions that would be relevant to viability.

This decision concludes Round One of small-scale radio multiplex licensing. Of the 25 advertised areas, 21 are now on air. Of the four revoked awards, one (Inverclyde) was readvertised in Round Four and we are in the process of assessing the two applications received, and we plan to re-advertise the other three (Alnwick & Morpeth, Isles of Scilly, and Welsh Valleys) in Round Five, albeit with revised boundaries in two cases.

*January 2023*