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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):

MUX ONE LIMITED

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

TYNEMOUTH & SOUTH SHIELDS

Public contact details:

3 RIVER COURT  
BRIGHOUSE ROAD  
MIDDLESBROUGH  
TS2 1RT

TEL: 01642 688789  
EMAIL: ADMIN@XCELWORLD.COM

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# 1. Overview

You should complete this form if you are applying for a small-scale radio multiplex licence. You can find further information about small-scale radio multiplex services in the [Guidance notes for applicants and licensees](#).

This application form is divided into two parts – **Part A** (which we will publish on our website) and **Part B** (which will be kept confidential). This document constitutes Part A; [Part B of the application form](#) is available on our website.

If you encounter any issues using these forms, please contact [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).

## The purpose of this form

- 1.1 You should complete this form if you are applying for a licence to provide a small-scale radio multiplex service (a ‘small-scale radio multiplex licence’). A small-scale radio multiplex service is the means by which DAB digital radio stations (‘digital sound programme services’) are broadcast, and can transmit around ten stereo digital sound programme services (or a significantly higher number if the DAB+ standard is utilised). The application form is divided into two parts – **Part A** (which we will publish on our website) and **Part B** (which will be kept confidential). This document constitutes Part A; [Part B of the application form](#) is available on our website.
- 1.2 Small-scale radio multiplex licences are awarded by Ofcom in a competitive process. Applications are judged against specified criteria, and Ofcom awards the licence to the applicant which it considers best meets the criteria.
- 1.3 You can find more information about small-scale radio multiplex licences in Ofcom’s published [guidance notes](#) for licence applicants and licensees. This document also includes detailed instructions on how to complete the application form, and information on the next steps in the application process. Please read this guidance and the ‘frequently asked questions’ carefully before completing both parts of the application form.

## Provision of information

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

## Publication of applications

- 1.6 Part A of the application form (i.e. this document) will be published by Ofcom on our website as soon as practicable following the closing-date for applications. Part B of the

application form will remain confidential. Non-confidential responses to any clarification or amplifications will also be published on the Ofcom website, alongside the Part A application form. Ofcom may take into account any comments received from the public, which can be made to it with respect to Part A of the application submitted.

- 1.7 In submitting Part A of the application, you agree that Ofcom may publish contact details for the licensee (as required on the cover of this application form), which may include personal data, on the Ofcom website and/or in other relevant publications. If you have any questions about the information we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)).
- 1.8 Ofcom considers issued small-scale radio multiplex licences to be public documents and copies of licences will be made available to third parties on request, noting that personal data apart from the name of the licensee may be redacted.

## Data protection

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

## Keeping up to date with broadcasting matters

- 1.10 We strongly recommend that you sign up to receive Ofcom's regular email updates on broadcasting matters including notification when the Broadcast Bulletin is published.
- 1.11 Ofcom publishes a [monthly radio licensing update](#) which lists new services licensed, licences revoked, licence transfers, and changes to licensed services during the past month.
- 1.12 To sign up to receive these communications, please visit <https://www.ofcom.org.uk/about-ofcom/latest/email-updates> and select 'Broadcasting'.

## 2. Extent of proposed coverage area

### About this section

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

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

- 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):

THIS APPLICATION IS TO SUPPLY A COVERAGE AREA COMPLIANT WITH THE ADVERTISED TYNEMOUTH & SOUTH SHIELDS POLYGON, FROM WALLSEND AND EAST GATESHEAD ON THE WESTERN EDGE TO WHITBURN ON THE EASTERN EDGE. THIS REGION INCLUDES THE TOWNS OF SOUTH SHIELDS, NORTH SHIELDS, WHITLEY BAY, JARROW, BOLDON AND HEBBURN. WE DO NOT PLAN TO SERVE ANY AREA OUTSIDE OF THE ADVERTISED LICENCE AREA.

- 2.2 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.
- 2.3 Please provide the following details of the prediction software used for your coverage assessments:

|   |   |
|---|---|
| Provide the name and version of the prediction tool used.         | <b>Spectrum-E Technical Assessment Module</b> |
| Detail the terrain model used by the software and its resolution. | SRTM Dataset (25 metre resolution)            |

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|   |   |
|---|---|
| Detail the ground cover (clutter) data used by the software and its resolution.   | 25m Corine landsat data   |
| What propagation algorithm has been used?   | <b>ITU-R P1812</b>  |
| Where multiple sites are proposed, describe what methodology has been used to assess the network (SFN) gain                 | Spectrum-E has no SFN capability. SFN gain will be predominant in the areas of equal field strength between transmitter sites and will rapidly diminish. The gain in the centre of the coverage area would not matter too much as it would simply increase signal in an area already covered with obvious benefits. The gain at the 63 dBuV/m coverage boundaries would add typically 3 or 4dB in some small areas extending coverage by essentially filling in the pinch points. Given that the coverage is mostly well within the polygon any overspill issue would be minor and easily dealt with by detailed antenna design or erp reduction. |
| If these predictions have not used Ofcom-provided population data, state what population data has been used and its source. | OFCOM Dataset used  |
| Have your predictions been generated by a commercial organisation? If so, by whom?  | John Bibby, Bitstream Broadcast Limited   |

## 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 will be submitted in Part B.

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 propriety 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.

### Applicant's details

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

MUX ONE LIMITED

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

13016031

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:

3 RIVER COURT  
BRIGHOUSE ROAD  
MIDDLESBROUGH  
TS2 1RT

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

**YES**

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

- 3.5 Contact details of the individual duly authorised by the applicant for the purposes of making this application. This individual should be the company secretary or a director.

|              |   |
|--------------|---|
| Full name    | DAVID ROBERT ROBERTS (DAVE ROBERTS)                         |
| Job title    | DIRECTOR  |
| Address      | 3 RIVER COURT<br>BRIGHOUSE ROAD<br>MIDDLESBROUGH<br>TS2 1RT |
| Telephone    | 01642 688789  |
| Mobile phone | 07895 434340  |
| Email        | DAVE.ROBERTS@XCELWORLD.COM                                  |

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

### Details of officers, participants and shareholders of the applicant

- 3.6 Please provide the following details for each director or designated member of the applicant:

| Full name of individual             | Correspondence address <sup>1</sup>                  | Country of residence | Other officerships held (and nature of the business concerned)      | Other employment |
|-------------------------------------|--|----------------------|---|------------------|
| DAVID ROBERT ROBERTS (DAVE ROBERTS) | 1 HUTTON CLOSE, SOUTH CHURCH ENTERPRISE PARK, BISHOP | UNITED KINGDOM       | MANAGING DIRECTOR, XCEL BROADCAST LIMITED. BROADCAST PRODUCTION AND |                  |

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



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|                     |   |                |   |  |
|---------------------|---|----------------|---|--|
|                     | AUCKLAND.<br>DL14 6XG.                  |                | TECHNICAL FACILITY PROVIDER.<br><br>DIRECTOR, RDBM DEVELOPMENTS LIMITED. PROPERTY DEVELOPMENT.<br><br>DIRECTOR, RED ARMY GROUP LIMITED. COMMUNITY BROADCAST MEDIA PRODUCTION COMPANY. |  |
| JOHN PHILIP BIBBY   | 19 RICHMOND CRESCENT, MOSSLEY, OL5 9LQ. | UNITED KINGDOM | DIRECTOR, BITSTREAM BROADCAST LIMITED (06738227). TELECOMMUNICATIONS  |  |
| PETER EXLEY WILCOCK | 83 VALLEY DRIVE, YARM. TS15 9JQ.        | UNITED KINGDOM | DIRECTOR, ELLILA LIMITED (06610098). MANAGEMENT CONSULTANCY SERVICES.   |  |

3.7 Please identify any entities with which the applicant is affiliated:

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

| Full name of the entity  | Address |
|--|---------|
| N/A – The applicant is not affiliated with any entities outside of its shareholders. |         |

3.8 Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled by the applicant, and their affiliates:

| Full name of entity  | Address | Affiliates |
|--|---------|------------|
| N/A – The applicant does not control any bodies corporate. |         |            |

3.9 Complete the following table, expanding it if necessary, to list all persons who control the applicant, together with their affiliates. If any persons or bodies control the applicant jointly because they act together in concert (e.g. because of a shareholder's agreement), each such person must be identified here:

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| Full name of individual or body  | Address | Affiliates |
|--|---------|------------|
| N/A - There is no person with control ( <i>Schedule 2 to the Broadcasting Act 1990</i> ) of the applicant. |         |            |

- 3.10 Complete the following table, expanding it if necessary, to list all officerships in other bodies that are held by any individual listed in response to question 3.9, and any affiliates of those bodies:

| Full name of individual | Name of body in which officership held | Affiliates of that body |
|-------------------------|--|-------------------------|
| N/A                     |  |                         |

- 3.11 Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled by any body corporate listed in response to question 3.9, and their affiliates:

| Full name of body corporate listed in 3.9 | Body corporate controlled | Affiliates of body corporate controlled |
|---|---------------------------|---|
| N/A                                       |                           |   |

- 3.12 In relation to each body corporate identified in response to question 3.9, complete the following table, expanding it if necessary, to list all bodies which hold or are beneficially entitled to shares, or who possess voting powers, amounting to more than 5% in the body corporate concerned (“participants”). You may, but are not required to, exclude from this table any bodies listed in response to question 3.9. 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. **NOTE: THERE IS NO BODY CORPORATE WITH CONTROL (SCHEDULE 2 TO THE BROADCASTING ACT 1990) OF MUX ONE LIMITED, SO, AS PER MY EMAIL CONVERSATION WITH JON HEASMAN, I WILL USE THE TABLE BELOW TO DETAIL MUX ONE LIMITED FULL SHAREHOLDING.**

| Name of body corporate identified in response to question 3.9 | MUX ONE LIMITED  |                       |                      |                    |
|---|------------------|-----------------------|----------------------|--------------------|
| Full name of >5% participant                                  | Number of shares | Total investment (£s) | Total investment (%) | % of voting rights |
| DAVID ROBERT ROBERTS  | 40               | 40                    | 40                   | 40                 |
| JOHN PHILIP BIBBY   | 40               | 40                    | 40                   | 40                 |

|  |    |    |    |    |
|--|----|----|----|----|
| X-CEL BROADCAST LIMITED  | 10 | 10 | 10 | 10 |
| BITSTREAM BROADCAST LIMITED  | 10 | 10 | 10 | 10 |
| Comments   |    |    |    |    |
| There is no body corporate with control ( <i>Schedule 2 to the Broadcasting Act 1990</i> ) of the applicant. |    |    |    |    |

### Involvement of the applicant in specified activities

3.13 Please state below whether the applicant, or any of the directors, shareholders or other individuals named above, including their associates (i.e. directors of their associates and other group companies), is, or is involved in, any of the below, and the extent of that interest.

| Activity/involvement   | Yes or No | Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement |
|--|-----------|--|
| A local authority  | NO        |  |
| A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body   | NO        |  |
| A body whose objects are wholly or mainly of a religious nature; <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        |  |

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

|  |    |  |
|--|----|--|
| An advertising agency or an associate of an advertising agency | NO |  |
|--|----|--|

### Details of applications, licences and sanctions

3.14 Is the applicant a current licensee of Ofcom?

**NO**

If yes, please provide the licence details expanding the table if necessary:

| Licence number | Name of multiplex |
|----------------|-------------------|
| N/A            |                   |

3.15 Has the applicant held an Ofcom broadcasting licence before?

**NO**

| Licence number | Name of service or multiplex |
|----------------|------------------------------|
| N/A            |                              |

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

**NO**

If yes, please provide the details expanding the table if necessary:

| Dates licence was held or dates of involvement | Licence number (if known) | Name of service or multiplex |
|--|---------------------------|------------------------------|
| N/A  |                           |                              |

3.17 Does the applicant control an existing Ofcom licensee?

**NO**

If yes, please provide the licence details expanding the table if necessary:

| Licence number | Name of service or multiplex |
|----------------|------------------------------|
|                |                              |

|     |  |
|-----|--|
| N/A |  |
|-----|--|

- 3.18 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**

If yes, please provide the following information, expanding the table if necessary:

| Licence number | Name of service or multiplex |
|----------------|------------------------------|
| N/A            |                              |

- 3.19 Has 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**

If yes, please provide the following information, expanding the table if necessary:

| Licence number | Name of service or multiplex |
|----------------|------------------------------|
| N/A            |                              |

- 3.20 Is 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**

If yes, please provide the following details expanding the table if necessary:

| Licence number (or equivalent) | Name of service or multiplex | Details of the investigation |
|--------------------------------|------------------------------|------------------------------|
| N/A                            |                              |                              |

- 3.21 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**

If yes, please provide the following details relating to each sanction expanding the table if necessary:

| Licence number (or equivalent) | Name of service or multiplex | Nature of the breach | Sanction imposed | Date sanction imposed |
|--------------------------------|------------------------------|----------------------|------------------|-----------------------|
| N/A                            |                              |                      |                  |                       |

3.22 In relation to any of the directors, shareholders or other individuals named in this application, please provide any information which you think may be a relevant consideration for Ofcom in determining whether or not the applicant is fit and proper to hold a Broadcasting Act licence.

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

N/A

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

**NO**

If yes, please provide the following details:

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

## Financial and business plan

3.24 Explain how the applicant considers it will be able to establish its proposed service. This should include an explanation of the costs required to establish the multiplex service, and how these costs will be met:

INCLUDING CONTINGENCY AND A BUDGET FOR TECHNICAL SPARES, THE PROJECTED COST TO ESTABLISH THE MUX ONE LIMITED SMALL SCALE DAB FOR TYNEMOUTH AND SOUTH SHIELDS IS £25,740. THIS IS BROKEN DOWN AS,

**PRE-LAUNCH/CAPEX**

EQUIPMENT COST - £12,000  
 TECHNICAL SPARES - £2,400  
 INSTALLATION COSTS - £2,000  
 PLANNING/DESIGN/LICENCE FEES – £4,500  
 SERVICES/CONNECTIVITY – £2,250  
 MARKETING BUDGET - £250  
 CONTINGENCY - £2,340

**OPEX COSTS AFTER LAUNCH**

TRANSMISSION SITE RENTAL - £5,000PA

CLOUD MULTIPLEXING - £4,800PA  
SERVICES/CONNECTIVITY – £2,100PA  
MAINTENANCE – YR1 £2,500PA  
MANAGEMENT - £4,800PA  
OFCOM/CONTINGENCY - £2,580

MUX ONE SHAREHOLDERS WILL PROVIDE ALL FUNDING (IN ADVANCE) FOR THE PRE-LAUNCH PHASE OF THE PROJECT, AS WELL AS OPERATIONAL FUNDING UNTIL THE OPERATION BECOMES SELF-SUSTAINING. THIS FUNDING IS TO BE A MIXTURE OF SHARE CAPITAL AND LOAN STOCK (3.25) AND CONFIDENTIAL ATTACHEMENTS TO THIS APPLICATION PROVIDE EVIDENCE OF GUARANTEED FUNDS.

INDICATIVE CARRIAGE TERMS INCLUDE FREE CARRIAGE FOR THE RESERVED 4 ALLOCATIONS FOR C-DSP SERVICE PROVIDERS, A PEPPERCORD MONTHLY RATE FOR UPTO AN ADDITIONAL 4 C-DSP PROVIDERS AND A COMMERCIAL RATE FOR DSP PROGRAMME SERVICE PROVIDERS. ALL RATES WERE PROVIDED TO PROSPECTIVE PROGRAMME SERVICE PROVIDERS PRE-EXPRESSION OF INTEREST STAGE OF THIS APPLICATION AND ARE ATTACHED TO THIS APPLICATION.

MUX ONE CARRIAGE PROJECTIONS (SEE ATTACHED CASH FLOW) RESULT IN OPERATIONAL PROFITABILITY OCCURRING AS EARLY AS MONTH 2. BREAK EVEN OCCURS IN MONTH 24. ALL LOAN STOCK WILL BE PROVIDED INTEREST FREE, REPAYABLE AFTER 12MONTHS IF PROFITABILITY ALLOWS TOGETHER WITH THE OPTION TO CONVERT TO STOCK. SHAREHOLDERS ARE IN A POSITION TO PROVIDE ADDITIONAL FUNDING SHOULD PROJECTED COSTS/REVENUES BE NOT REALISED, HOWEVER THIS IS NOT EXPECTED TO OCCUR.

EVIDENCE OF PROJECTED COSTS SUCH AS COMMERCIAL AGREEMENT WITH TRANSMISSION SITE OWNER, TRANSMISSION EQUIPMENT QUOTATIONS, IS ALSO ATTACHED TO THIS APPLICATION.

PLEASE NOTE: A 36 MONTH OPERATING CASH FLOW PROJECTION FOR MUX ONE AND ITS TYNEMOUTH AND SOUTH SHIELDS DAB MULTIPLEX HAS BEEN SUBMITTED AS A SEPARATE ATTACHMENT.

3.25 Detail the sources of finance that will be used to fund the multiplex service, under the following headings:

- a) Share capital – **£5,000.**
- b) Loan stock – **£25,000**
- c) Leasing/HP facilities (capital value) – **NONE.**
- d) Bank overdraft – **NONE.**
- e) Grants and donations – **NONE.**
- f) Other (please specify) – **NONE.**

- 3.26 Provide evidence that sufficient funds are available to each investing shareholder to cover their proposed investment. For incorporated investing shareholders, provide a copy of the most recent statutory accounts.

*✂ This information has been redacted by Ofcom for reasons of confidentiality*

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

**ALL FUNDING IS CONFIRMED.**

## Relevant expertise and experience

- 3.28 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.)

MUX ONE DIRECTOR DAVE ROBERTS WILL BE RESPONSIBLE FOR THE DAY-TO-DAY GENERAL MANAGEMENT OF THE MUX ONE MULTIPLEX SERVICE. DAVE IS MANAGING DIRECTOR OF XCEL BROADCAST LIMITED, A BROADCAST FACILITY PROVISION ORGANISATION THAT PROVIDES TECHNICAL, PRODUCTION AND TRANSMISSION CARRIAGE SOLUTIONS FOR GLOBAL MEDIA NETWORKS SUCH AS ESPN, DISCOVERY AND FOX. THIS SUBSTANTIAL FIRSTHAND EXPERIENCE AT FACILITY PROVISION FOR PROGRAMME SERVICE PROVIDERS WILL PROVE HUGELY VALUABLE IN THE MANAGEMENT OF THE OPERATION.

A FORMER VICE PRESIDENT OF BUSINESS DEVELOPMENT FOR FOX NETWORKS GROUP AND A FULLY QUALIFIED ENGINEER, DAVE HAS SUBSTANTIAL TECHNICAL, BROADCAST, PRODUCTION AND CORPORATE EXPERIENCE HAVING BEEN RESPONSIBLE FOR BUDGETS AND COMMERCIAL NEGOTIATIONS IN THE HUNDREDS OF MILLIONS OF DOLLARS RANGE. THIS SENIOR EXECUTIVE EXPERIENCE IN BUSINESS DEVELOPMENT WILL AGAIN PROVE HIGHLY VALUABLE IN CONTRACTUAL MATTERS.

LOCATED IN THE NORTH EAST REGION, DAVE IS ALSO NATIVE TO THE TYNEMOUTH AND SOUTH SHIELDS REGION AND ENJOYS A 30+ YEAR CAREER IN THE BROADCAST MEDIA FIELD, INCLUDING WORKING WITHIN SOUND PROGRAMME PROVIDERS, METRO RADIO GROUP, CENTURY RADIO, ETC.

MUX ONE DIRECTOR JOHN BIBBY WILL BE RESPONSIBLE FOR DAY TO DAY ENGINEERING AND TECHNICAL ASPECTS OF THE MULTIPLEX. MANAGING DIRECTOR OF BITSTREAM BROADCAST LIMITED, A COMPANY THAT SPECIALISES IN DIGITAL RADIO BROADCASTING, JOHN IS A RESPECTED EXPERT IN



THE FIELD OF DAB TRANSMISSION SOLUTIONS AND INFRASTRUCTURE PROVISION. A FORMER BBC AND NTL TRANSMISSION ENGINEER, JOHN IS RESPONSIBLE FOR INSTALATION AND MAINTENANCE OF MANY CURRENT UK DAB INSTALATIONS.

- 3.29 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  | JOHN BIBBY, BITSTREAM BROADCAST LIMITED. | MANAGING DIRECTOR OF BITSTREAM BROADCAST, EXISTING DAB TRANSMISSION EXPERT AND ENGINEER. |
| Ongoing maintenance of the transmission equipment   | JOHN BIBBY, BITSTREAM BROADCAST LIMITED. | MANAGING DIRECTOR OF BITSTREAM BROADCAST, EXISTING DAB TRANSMISSION EXPERT AND ENGINEER. |
| Installation of the Multiplexing equipment  | FACTUM RADIOSCAPE / BTISTREAM BROADCAST  | LONGSTANDING & EXISTING DAB MULTIPLEX OPERATOR & EXISTING DAB TRANSMISSION OPERATOR.     |
| Day-to-day technical management and maintenance of the multiplexing equipment (if different from response to question 3.28 above) |  |  |

## Timetable for coverage roll-out

- 3.30 In no more than 250 words, please tell us how soon after licence award you expect your multiplex service to become operational and achieve the coverage you are proposing. Please provide 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:

MUX ONE LIMITED IS IN THE FORTUNATE POSITION THAT ALL REQUIRED FUNDING FOR THE PROJECT IS ALREADY IN PLACE, COMMERCIAL AGREEMENT HAS ALREADY BEEN REACHED WITH THE OWNER OF OUR IDENTIFIED TRANSMITTER SITE (SUBJECT TO AWARD) AND A MUX ONE DIRECTOR AND SHAREHOLDER ARE SUPPLIERS OF DAB TRANSMISSION EQUIPMENT AND SOLUTIONS. AS A RESULT, WE ARE IN A POSITION TO MOVE IMMEDIATELY UPON AWARD AS WELL AS SIGNIFICANTLY REDUCE LEAD TIMES FOR LOGISTICAL AND TECHNICAL SERVICES AND EQUIPMENT SUPPLY. AS THE MUX ONE TECHNICAL PROPOSAL IS FOR A SINGLE SITE TRANSMISSION SYSTEM, THIS FURTHER REDUCES COMPLEXITY OF INSTALATION AND COMMISSIONING.

THEREFORE, UPON LICENCE AWARD, MUX ONE WILL IMMEDIATELY START ALL PRE-COMMISSION PROCESSES, INCLUDING DETAILED ANTENNA DESIGN, PLANNING PERMISSION APPLICATION FOR ANTENNA INSTALATION ON THE TRANSMISSION SITE, ORDERING AND CONFIGURATION OF ALL TECHNICAL EQUIPMENT AND ASSOCIATED SERVICES (I.E. BUSINESS BROADBAND, CLOUD MUX CAPACITY, ETC.), OFCOM ANTENNA CLEARANCE AS WELL AS BEGIN THE PROCESS OF CONTRACTING ALL C-DSP AND DSP PROGRAMME SERVICE PROVIDERS.

PLANNING PERMISSIONS ARE EXPECTED TO TAKE UP TO THREE MONTHS TO OBTAIN AND IMMEDIATELY UPON APPROVAL MUX ONE WILL BEGIN INSTALATION, COMMISSIONING AND TESTING OF THE MULTIPLEX. AN ALLOCATION OF THREE MONTHS FOR THIS PHASE OF THE INSTALLATION HAS BEEN MADE.

WE THEREFORE PROJECT THE MUX TO BE OPERATIONAL APPROXIMATELY SIX MONTHS AFTER LICENCE AWARD.

## 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 – BUT SEE 4.3

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. If the service is already licensed by Ofcom, the licence number should be provided:

MUX ONE MINORITY SHAREHOLDER X-CEL BROADCAST CURRENTLY OPERATES ONLINE BASED COMMUNITY RADIO SERVICE REDARMY RADIO, THIS RADIO SERVICE SERVES THE TEESSIDE FOOTBALL COMMUNITY WITH, DISCUSSION, LIVE EVENT, PODCAST AND MUSIC PROGRAMMING. AS WELL AS REDARMY'S OWN PRODUCTIONS, THE SERVICE HAS BEEN SUCCESSFULLY ADOPTED ACROSS TEESSIDE BY MANY INDIVIDUAL FOOTBALL SUPPORTER GROUPS (TWE12THMAN, BORO BREAKDOWN, FLY ME TO THE MOON, ANDY CAMPBELL PODCAST, MICK BARRON PODCAST, MIDDLESBRUH POD USA, NORTH AMERICA SMOGCAST, BORO LADIES, ETC) AS THE RADIO PLATFORM TO CARRY THEIR INDEPENDENT PRODUCTIONS. REDARMY RADIO DIRECTLY FACILITATES MANY OF THESE INDEPENDENT SUPPORTER GROUPS' PRODUCTION BY MAKING ITS STUDIO, TECHNICAL AND PRODUCTION FACILITIES AVAILABLE TO THEM.

UPON AWARD OF THE TYNEMOUTH AND SOUTH SHIELDS DAB MULTIPLEX LICENCE, X-CEL BROADCAST WILL LAUNCH TOON ARMY RADIO AND BLACK CAT ARMY RADIO. TOON ARMY WILL SERVE THE NEWCASTLE UNITED FC FOOTBALL SUPPORTER COMMUNITY OF THE POLYGON WITH BLACK CAT ARMY SERVING THE SUNDERLAND AFC FOOTBALL SUPPORTER COMMUNITY OF THE POLYGON.

SHOULD C-DSP SUBSCRIPTION LEVELS BE HIGH FOR THIS MULTIPLEX, BOTH THESE SERVICES CAN BE RESTRUCTURED TO OPERATE AS DSP SERVICES, THUS FREEING UP ALLOCATION FOR ADDITIONAL C-DSP SERVICE PROVIDERS ON THE MULTIPLEX.

## Demand or support from programme providers

- 4.4 Please provide any evidence which has been gathered of support for the provision of the proposed multiplex service among providers or prospective providers of community or local digital sound programme services in the area to be served by the multiplex service:

### INTRODUCTION

MANY MONTHS OF CONVERSATIONS HAVE BEEN MADE WITH PROVIDERS AND PROSPECTIVE PROVIDERS OF DIGITAL SOUND PROGRAMME SERVICES IN THE TYNESIDE COMMUNITY IN ADVANCE OF THIS APPLICATION. THESE INCLUDE BOTH POTENTIAL C-DSP AND DSP OPERATORS BOTH WITHIN THE POLYGON AND THOSE THAT SIT OUTSIDE THAT MAY WANT TO EXPAND THEIR SERVICE TO WITHIN.

### METHODOLOGY

IT WAS IMPORTANT FOR US TO CONSULT WITH MANY LOCAL COMMUNITIES AS WE SEE SMALL SCALE DAB TO BE AT THE CENTRE OF GROWTH IN LOCAL AND COMMUNITY RADIO BROADCASTING, PARTICULARLY WITH THE RECENT CONGLOMERATION OF HERITAGE ILR STATIONS AND THE 'IMPERSONAL' SERVICES AND THE LACK OF 'LOCALNESS' REGIONALISATION OF THESE SERVICES HAS BROUGHT.

IN ALL CONVERSATIONS WITH PROSPECTIVE SOUND SERVICE PROVIDERS WE DISCUSSED OUR PLANS FOR TYNEMOUTH AND SOUTH SHIELDS DAB MUTIPLEX, WE ALSO PROVIDED WRITTEN

COPIES OF OUR INDICATIVE TERMS FOR CARRIAGE. ALONG WITH THE INFORMATION AND TERMS OF CARRIAGE, AN EXPRESSION OF INTEREST FORM WAS INCLUDED FOR POTENTIAL C-DSP & DSP PROVIDERS TO CONFIRM/REGISTER ANY INTEREST FOR THEIR SERVICES TO BE CARRIED ON THE MULTIPLEX SHOULD WE BE SUCCESSFUL.

### **ENGAGEMENT**

DISCUSSIONS HAVE BEEN HAD WITH MANY TYNESIDE COMMUNITIES, INCLUDING, LGBT, BAME, MENTAL HEALTH, CARE HOME/ELDERLY, HOSPITAL/HEALTH, LOCAL SPORT, EDUCATION AS WELL AS COMMUNITY RADIO. DISCUSSIONS HAVE ALSO BEEN HAD WITH SEVERAL EXISTING SOUND SERVICES LOCATED OUTSIDE OF THE REGION THAT WE THOUGHT MAY HAVE AN INTEREST TO SUPPLY SERVICES TO THE POPULATION OF TYNEMOUTH AND SOUTH SHIELDS.

### **SUPPORT FOR THE PROVISION OF THE PROPOSED MULTIPLEX SERVICE**

FOLLOWING DISCUSSIONS AND RECEIPT OF MUX DETAILS INCLUDING COMMERCIAL CARRIAGE TERMS, MUX ONE RECEIVED 17 WRITTEN CONFIRMATIONS OF INTEREST FOR CARRIAGE ON A NEW SMALL SCALE DAB MULTIPLEX FOR THE TYNEMOUTH AND SOUTH SHIELDS POLYGON REGION, REPRESENTING THE FOLLOWING COMMUNITIES,

- LGBT COMMUNITY – TWO SERVICES
- BAME COMMUNITY – THREE SERVICES
- SENIORS & ELDERLY CARE COMMUNITY – ONE SERVICE
- LOCAL HEALTH COMMUNITY – ONE SERVICE
- LOCAL FOOTBALL COMMUNITY – TWO SERVICES
- GENERAL LOCAL COMMUNITY – ONE SERVICE
- NEW MUSIC SERVICES FOR THE REGION – SEVEN SERVICES (ROCK, DANCE, OVER 45s, AC)

EIGHT (8) POTENTIAL C-DSP SERVICE PROVIDERS CONFIRMED CONVERSATIONS AND RECEIPT OF PROPOSED CARRIAGE TERMS WITH WRITTEN EXPRESSIONS OF INTEREST OF CARRIAGE. SEVERAL INDICATED THEY COULD BROADCAST AS EITHER C-DSP OR DSP SERVICES OF WHICH THREE (3) WILL BE OPENING NEW BROADCASTING OPERATIONS WITHIN THE POLYGON REGION. SIMILARLY, WE ALSO RECEIVED NINE (9) WRITTEN EXPRESSIONS OF INTEREST FROM POTENTIAL DSP SERVICE PROVIDERS, OF WHICH THREE ALSO INDICATED THEY WERE TO OPEN NEW BROADCASTING OPERATIONS WITHIN THE POLYGON REGION.

OUTSIDE OF THE WRITTEN CONFIRMATIONS OF INTEREST, CONVERSATIONS WITH OTHER POTENTIAL SERVICE PROVIDERS WERE EXTREMELY POSITIVE.

CONVERSATIONS WITH WALLSEND BASED 'ANXIOUS MINDS', A MENTAL HEALTH CHARITY THAT BROADCASTS A RADIO SERVICE ONLINE, BROUGHT GREAT INTEREST, SADLY HOWEVER VERY CLOSE TO THE APPLICATION DEADLINE IT CONFIRMED IT WAS TO REMAIN AS AN ONLINE BROADCASTER FOR THE IMMEDIATE FUTURE. MUX ONE IMMEDIATELY PROVIDED THE CHARITY WITH CONTENT AND CONTACTS TO SUPPORT ITS CURRENT BROADCASTS, AND, A FUTURE MUX ONE AIM IS TO SEE HOW A FUTURE COLLABORATION WOULD BE POSSIBLE TO ENABLE SUCH A VITAL COMMUNITY SERVICE, AND ITS EFFORTS, BE FURTHER STRENGTHENED ACROSS THE REGION VIA THE TYNEMOUTH AND SOUTH SHIELDS DAB MUX.

IN ADDITION TO THIS WE ENJOYED STRONG CONVERSATIONS WITH SUNDERLAND COMMUNITY BROADCASTER, SPARK FM. SPARK CONFIRMED INTEREST IN THE SOUTH SHIELDS/SOUTH TYNESIDE AREA, HOWEVER ITS IMMEDIATE FOCUS IS TO EXPAND TO DAB SERVICES ONLY WHEN THE SUNDERLAND MULTIPLEX IS ADVERTISED IN A LATER ROUND. MUX ONE WILL REVISIT SPARK FM AND THE TYNEMOUTH AND SOUTH SHIELDS MUX AT A LATER TIME, IN THE MEANTIME MUX ONE OFFERED SPARK FM SHARED LEARNING TO ASSIST ITS PLANS FOR THE SUNDERLAND MUX.

THE SCALE RESPONSE AND POSITIVITY OF INTEREST TO THE MUX ONE PLANS AND INDICATIVE TERMS LEAVE US IN NO DOUBT, THE PROPOSED SMALL SCALE DAB MULTIPLEX FOR TYNEMOUTH AND SOUTH SHIELDS WILL BE SUCCESSFUL. THERE IS ALSO NO DOUBT THAT ADDITIONAL INTEREST WILL COME ONCE AWARD IS MADE, SO THIS PLUS PROFESSIONAL MANAGEMENT OF THE OPERATION WILL PROVIDE GREAT BENEFIT TO THE REGION IT IS DESIGNED TO SERVE.

***PLEASE NOTE: ALL WRITTEN EXPRESSIONS OF INTEREST RECEIVED FROM SERVICES HAVE BEEN SUBMITTED TO OFCOM AS ATTACHED DOCUMENTS TO THIS APPLICATION.***

## 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 are two further questions 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:

MUX ONE HAS BEEN CAREFUL TO DEMONSTRATE FAIRNESS IN ALL ASPECTS OF THIS APPLICATION PROCESS AND WILL CONTINUE TO DO SO WHEN CONTRACTING PROGRAMME SERVICE PROVIDERS.

EXAMPLES OF OUR APPROACH TO MAINTAIN FAIR AND EFFECTIVE COMPETITION INCLUDE,

- ADVERTISING PUBLICLY ON LOCAL RADIO/BROADCASTING SOCIAL MEDIA PLATFORM OF OUR INTENTION TO APPLY FOR THE MULTIPLEX SO TO ENCOURAGE ENGAGEMENT WITH AS MANY LOCAL PROGRAMME PROVIDERS AS POSSIBLE.
- CREATING A SIMPLE WEBSITE TO PUBLICISE OUR INTENTIONS TO APPLY FOR THE SMALL SCALE DAB MULTIPLEX LICENCE AND PROVIDING CONVENIENT EMAIL AND TELEPHONE CONTACT CHANNELS FOR ANY AND ALL PROSPECTIVE SOUND PROVIDERS TO COMMUNICATE DIRECTLY WITH US.
- PROACTIVE ENGAGEMENT DIRECTLY WITH ALL AVAILABLE COMMUNITIES IN THE LOCAL AREA, I.E., LGBT, BAME, MENTAL HEALTH, SENIOR/CARE HOME, HOSPITAL BROADCASTERS, LOCAL SPORT, EDUCATION, COMMUNITY RADIO, ETC., IN ORDER TO ENGAGE OPENLY AND WIDELY WITHOUT FAVOUR.
- OPERATING ONLY ONE SET CARRIAGE RATE CARD, THE SAME THAT HAS BEEN PROVIDED TO ALL PROSPECTIVE PROGRAMME SERVICE PROVIDERS.
- MAKING THE FOUR (4) RESERVED C-DSP ALLOCATIONS AVAILABLE FREE-OF-CHARGE SO REMOVING ANY FINANCIAL CARRIAGE BARRIER FOR ALL PROSPECTIVE C-DSP PROVIDERS.

- EARMARKING FOUR (4) ADDITIONAL C-DSP ALLOCATIONS ON THE MULTIPLEX, OVER AND ABOVE THE OFCOM REQUIRED MINIMUM OF FOUR (4) ALLOCATIONS, ALLOWING DOUBLE THE NUMBER OF C-DSP PROGRAMME PROVIDERS TO ACCESS THE MULTIPLEX.
- OFFERING THESE ADDITIONAL C-DSP ALLOCATIONS AT 'PEPPERCORN' RATES TO FURTHER REDUCE THE FINANCIAL BARRIER FOR MORE C-DSP PROGRAMME PROVIDERS TO TRANSITION ONTO DAB.
- MUX ONE SHARHOLDER, XCEL BROADCAST, HAS COMMITTED TO **NOT** UTILISING ANY OF THE 4 FREE OF CHARGE C-DSP ALLOCATIONS FOR ITS OWN PROPOSED SOUND PROGRAMME SERVICES.
- ONLY CONTRACT OFCOM LICENCED PROGRAMME SERVICE PROVIDERS AND ONLY BEGIN CONTRACTING PROGRAMME SERVICE PROVIDERS ONCE CONFIRMATION OF THE AWARD HAS BEEN RECEIVED.
- ALLOW APPROXIMATELY 6 MONTHS FROM LICENCE AWARD TO START OF DAB MULTIPLEX SERVICE, ALLOWING PROSPECTIVE PROGRAMME PROVIDERS AMPLE TIME TO PREPARE ALL ASPECTS OF THEIR ADMINISTRATIVE AND PREPARITORY WORK.



## 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 the applicant in both Part A and Part B of the application form. The declaration must also be dated.

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

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

DAVID ROBERT ROBERTS

**Date of application:**

23 NOVEMBER 2020

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

Company Director.

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