

# Small-scale radio multiplex licence award: Taunton

## Background

Ofcom has decided to award a new small-scale radio multiplex licence for Taunton to Tone Community Media Group CIC.

In considering the applications it receives for small-scale radio multiplex licences, Ofcom is required to have regard to each of the statutory criteria set out in section 51(2) of the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019. These are as follows:

1. the extent of the coverage area (within the area or locality specified in the Ofcom notice inviting applications) proposed to be achieved by the applicant in the technical plan submitted in its application; (section 51(2)(a))
2. the ability of the applicant to establish the proposed service; (section 51(2)(c))
3. the desirability of awarding the licence to an applicant that:
  - a. is a person providing or proposing to provide a community digital sound programme service in that area or locality, or
  - b. has as a participant a person providing or proposing to provide a community digital sound programme service in that area or locality; (section 51(2)(ca))
4. the extent to which there is evidence that, amongst persons providing or proposing to provide community or local digital sound programme services in that area or locality, there is a demand for, or support for, the provision of the proposed service; (section 51(2)(f)) and
5. whether, in contracting or offering to contract with persons providing or proposing to provide community or local digital sound programme services, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of those services. (section 51(2)(g)).

The legislation does not rate these requirements in order of priority, but it may be that Ofcom will regard one or more of the criteria as being particularly important in view of the characteristics of the licence to be awarded and the applications for it.

## Assessment of applications

On 25 January 2022, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex services in localities including Taunton.

By the closing-date of 25 April 2022, Ofcom received one application for this locality. This was from Tone Community Media Group CIC (“Tone”). A copy of the non-confidential parts of the application was made available for public scrutiny on the Ofcom website, and public comment was invited as required under section 50(7) although no such comments were received.

Ofcom colleagues assessed the detail of the application, including carrying out assessments of the technical plan required to be submitted as part of all applications. The decision in relation to Taunton was made by a panel of Ofcom decision makers which convened on 7 October 2022. They carefully considered the application and professional advice from Ofcom colleagues, and applied the statutory criteria in reaching their decision on whether to award a licence. Reasons for their decision to award the licence to Tone are summarised below.

In relation to section 51(2)(a), the applicant proposed using one transmitter to provide its service. Ofcom calculations indicate that, before mitigation, this would result in approximately 63% of the adult population in the advertised licence area being able to receive the service. Our coverage predictions indicated that the proposed small-scale radio multiplex service would be available to less than 40% of the population in the licensed area of the overlapping Somerset local radio multiplex service, and that signal overspill outside the advertised area was negligible and well under 30% of the population of the advertised area. Therefore, no mitigations would be required to comply with these thresholds. Ofcom considered a mitigation in the form of a slight power reduction would be likely to be required to address hole-punching impact, and this would reduce anticipated coverage to around 60%. Decision-makers noted that this represented fairly modest coverage within the advertised area and that coverage did not extend to population centres such as Wellington and Ilminster. However, it provided robust coverage in the town of Taunton itself.

In relation to section 51(2)(c), Ofcom considered financial and business plans, technical plans, the timetable for coverage roll-out, and evidence of relevant expertise and experience. Decision makers considered that, whilst a single transmitter site limited coverage in the manner noted above, the choice of a single site used by Tone for its existing analogue community service appeared appropriate to limit the costs involved. The applicant had also engaged appropriate, experienced technical support for launch. Decision makers noted that the application relied on grant funding, and this involved a level of uncertainty. However, the robust coverage planned within Taunton itself should provide a good basis for obtaining the necessary support. Overall, decision makers considered there was a reasonable prospect of Tone being able to establish the service with the predicted level of coverage within the 18 month period as set out in the legislation.

In relation to section 51(2)(ca), Ofcom noted that the applicant itself proposed to provide a community digital sound programme service in the locality, and that this would be a simulcast of its existing community analogue service, Tone FM, giving confidence it would be available on the multiplex from launch. Decision makers welcomed the initiative shown by Tone to come forward with its own application as a community radio service in Taunton.

In relation to section 51(2)(f), Ofcom considered evidence of demand or support from persons providing or proposing to provide community or local digital sound programme services (C-DSP and DSP services) in the advertised area. As well as the applicant itself, another existing community analogue service (Apple FM) had expressed an interest in providing a C-DSP, and the applicant provided evidence of two DSPs expressing an interest in providing a service. Decision makers noted that demonstrated interest was modest and it would be important for Tone to work on finding additional interest from programme service providers in the interests of securing the viability of the proposed service.

In relation to section 51(2)(g) and based on the evidence received, Ofcom was satisfied that the applicant had, in contracting or offering to contract with persons providing or proposing to provide community or local digital sound programme services, acted in a manner calculated to ensure fair and effective competition in the provision of those services.

It is noted that the award of a licence does not confer on the awardee the right to implement all elements of the technical plan submitted to Ofcom as part of the successful application. Ofcom will treat proposals in that plan, on the basis of which the award was made, as things the successful applicant has committed to achieve within the 18 month period allowed between award and launch. However, for spectrum planning reasons, Ofcom may also require amendments to proposals between award and licence grant.

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