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## Small-scale radio multiplex licence

### Application form – Part A (public)

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Name of applicant:

**South Birmingham Digital Radio Limited**

Multiplex licence area being applied for:

**South Birmingham**

Public contact details:

**Don Kotak  
dkk\_willow@hotmail.com**

# Contents

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## Section

1. Overview	<u>1</u>
2. Extent of proposed coverage area	<u>3</u>
3. Ability to establish the proposed service	<u>5</u>
4. Involvement of C-DSP providers; demand or support from programme providers	<u>16</u>
5. Fair and effective competition	<u>18</u>
6. Declaration	<u>19</u>

# 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):

We have sought to cover the majority of the population within the defined South Birmingham area, within the constraints imposed on outgoing interference to other areas.

Most of the population will get a good signal. There is a small out spill into central Birmingham (around the Jewellery Quarter) and to Yardley. We have not been able to cover the corridor along the railway from Tyseley to Tidbury Green adequately, nor the areas south west of Longbridge or south east of the M42 at junction 4. We have identified sites to deal with these unserved areas and will consider adding them to our network if there is demand.

- 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:

<b>Provide the name and version of the prediction tool used.</b>	HTZ Communications (V23.0.0 version 1456)
<b>Detail the terrain model used by the software and its resolution.</b>	Ordnance Survey Terrain 50m
<b>Detail the ground cover (clutter) data used by the software and its resolution.</b>	DEFRA and OSM
<b>What propagation algorithm has been used?</b>	Deygout 94 version 1
<b>Where multiple sites are proposed, describe what methodology has been used to assess the network (SFN) gain</b>	Power sum method
<b>If these predictions have not used Ofcom-provided population data, state what population data has been used and its source.</b>	Ofcom population data used
<b>Have your predictions been generated by a commercial organisation? If so, by whom?</b>	MuxNet UK Ltd

## 3. Ability to establish the proposed service

### About this section

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

South Birmingham Digital Radio Ltd

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

13006705

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:

41 Tideswell Rd, Great Barr, Birmingham B42 2DU

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

**Yes**

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	<b>Gregory Watson</b>
Job title	Director
Address	11 Furber Street, London W6 0HE
Telephone	020 7739 7880
Email	gregory@muxnet.uk

## 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	Country of residence	Other officerships held (and nature of the business concerned)	Other employment
South Birmingham Community Radio Broadcasters Ltd	41 Tideswell Road Great Barr Birmingham B42 2DU	UK	Corporate director	N/A
Don Kotak	41 Tideswell Road Great Barr Birmingham B42 2DU	UK	Sabras Sound Ltd, Now Digital (East Midlands) Ltd, Sanskar Radio Ltd, Subdigital Ltd, Jubb (UK) Ltd, Bowbridge Ltd, Thurney Properties Ltd, Power Plane Ltd, Power Plane Holdings Ltd, Cityregen LLP, Cityregen (Leicester) Ltd.	Managing Director @ Sabras Sound Ltd
Virginia Murfin	41 Tideswell Road Great Barr Birmingham B42 2DU	UK	Sunshine FM Ltd, Murfin Media Ltd, The Old Smithy Recording Studios Ltd	Station Director @ Sunshine FM Ltd
Gregory Watson	41 Tideswell Road Great Barr Birmingham B42 2DU	UK	South Birmingham Community Radio Broadcasters Ltd, South Birmingham Community Radio Ltd, MuxNet Ltd, MuxNet UK Ltd, Children's Radio UK Ltd, Children's Radio UK (London) Ltd, Inspiring Audio Ltd, Ipswich 102 Ltd, Upload Radio Ltd, Folder Media Ltd, Folder & Co Ltd, Folder & Co Two Ltd, Folder Media Digital Investments Ltd, Muxco Ltd, Muxco Investments Ltd, Muxco South Midlands Ltd, Muxco North East Wales and West Cheshire Ltd, Triple Muxco Somerset Ltd, Muxco Surrey and North Sussex Ltd, Muxco Lincolnshire Ltd, Muxco North Yorkshire Ltd, Muxco Suffolk Ltd, Muxco Cumbria Ltd, Tindle Muxco Channel Islands Ltd, Hallett Arendt Marketing and Research Ltd, Audio Producers Association, Audio Producers Events Ltd, St Andrew's Club, Mid-Hants Railway Preservation Society Ltd, Wadebridge (34007) Locomotive Ltd	Managing Director @ Folder Media Ltd, Children's Radio UK Ltd, MuxCo Ltd

**South Birmingham Digital Radio Limited**  
 Small-scale radio multiplex application form – Part A

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

Full name of the entity	Address
N/A	

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		

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:

Full name of individual or body	Address	Affiliates
South Birmingham Community Radio Broadcasters Ltd – 20%	41 Tideswell Road, Great Barr, Birmingham B42 2DU	None
Subdigital Ltd – 27%	Chartwell House, Chartwell Drive, Wigston, Leicester LE18 2FL	None
Murfin Media (Digital) Ltd – 27%	The Old Smithy, 1 Post Office Lane, Kempsey, Worcester WR5 3NS	None
MuxNet UK Ltd – 26%	11 Furber Street, London W6 0HE	None

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
Subdigital Ltd	None	None
Murfin Media (Digital) Ltd	Muxco South Midlands Ltd (29.2%)	None
MuxNet UK Ltd	None	None
South Birmingham Community Radio Broadcasters Ltd	None	None

## South Birmingham Digital Radio Limited

### Small-scale radio multiplex application form – Part 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.

Name of Applicant	South Birmingham DAB Ltd			
Full name of >5% participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
Subdigital Ltd	27	£27	27%	27%
Murfin Media (Digital) Ltd	27	£27	27%	27%
MuxNet UK Ltd	26	£27	26%	26%
South Birmingham Community Radio Broadcasters Ltd	20	£20	20%	20%
Comments				

Name of body corporate identified in response to question 3.9	South Birmingham Community Radio Broadcasters Ltd			
Full name of >5% participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
N/A				
Comments				
South Birmingham Community Radio Broadcasters Ltd is a private company limited by guarantee without share capital. Its members will comprise local community groups licensed by Ofcom.				

Name of body corporate identified in response to question 3.9	Subdigital Ltd			
Full name of >5% participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
Don Kotak	100	100	100%	100%
Comments				



<b>Name of body corporate identified in response to question 3.9</b>	<b>Murfin Media (Digital) Ltd</b>			
<b>Full name of &gt;5% participant</b>	<b>Number of shares</b>	<b>Total investment (£s)</b>	<b>Total investment (%)</b>	<b>% of voting rights</b>
John Murfin	50	50	50%	50%
Virginia Murfin	50	50	50%	50%
<b>Comments</b>				

<b>Name of body corporate identified in response to question 3.9</b>	<b>MuxNet UK Ltd</b>			
<b>Full name of &gt;5% participant</b>	<b>Number of shares</b>	<b>Total investment (£s)</b>	<b>Total investment (%)</b>	<b>% of voting rights</b>
Radiate Ideas Ltd	34	34	34%	34%
MuxNet Ltd	66	66	66%	66%
<b>Comments</b>				

### 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.

<b>Activity/involvement</b>	<b>Yes or No</b>	<b>Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement</b>
a) A local authority	No	
b) A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body	No	
c) A body whose objects are wholly or mainly of a religious nature;	No	
d) An individual who is an officer of a body falling within (b) or (c);	No	
e) 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	
f) 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**

3.15 Has the applicant held an Ofcom broadcasting licence before?

**No**

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

**Yes**

<b>Dates licence was held or dates of involvement</b>	<b>Licence number (if known)</b>	<b>Name of service or multiplex</b>
Current	AL000326 / DP100000	Sunshine Radio Ltd – Virginia Murfin
Current	DL000054	MuxCo South Midlands Ltd (Gloucestershire) – Virginia Murfin
Current	DL000050	MuxCo South Midlands Ltd (Herefordshire & Worcestershire) – Virginia Murfin
Current	AL00005 / DP000063	Sabras Sound Ltd – Don Kotak
Current	DL000034	Now Digital East Midlands Ltd (Leicester) – Don Kotak
Current	DL000043	Now Digital East Midlands Ltd (Nottingham) – Don Kotak
Current	DL000048	Now Digital East Midlands Ltd (Derby) – Don Kotak
Current	DL000049	MuxCo North East Wales & West Cheshire Ltd – Gregory Watson
Current	DL000054	MuxCo South Midlands Ltd (Gloucestershire) – Gregory Watson
Current	DL000050	MuxCo South Midlands Ltd (Herefordshire & Worcestershire) – Gregory Watson
Current	DL000057	MuxCo Surrey & North Sussex Ltd – Gregory Watson
Current	DL000053	MuxCo North Yorkshire Ltd – Gregory Watson
Current	DL000055	MuxCo Lincolnshire Ltd – Gregory Watson
Current	DL101051	MuxCo Suffolk Ltd – Gregory Watson
TBC	TBC	MuxCo Cumbria Ltd – Gregory Watson
Current	DL000058	Triple MuxCo Somerset Ltd – Gregory Watson
Current	DP000051 / DP102178	Children’s Radio UK Ltd – Gregory Watson
Current	DP102939	Upload Radio Ltd – Gregory Watson
Current	AL102406 / DP102645	Ipswich 102 Ltd – Gregory Watson

**South Birmingham Digital Radio Limited**

**Small-scale radio multiplex application form – Part A**

3.17 Does the applicant control an existing Ofcom licensee?

**No**

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. None of the shareholders identified in 3.12 control the applicant company.**

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**

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**

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**

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**

## 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:

South Birmingham Digital Radio Ltd (for ease of reference 'SBDR') was created to establish small scale digital radio in South Birmingham in an efficient and cost effective manner, and to help enable local community radio groups to participate fully in DAB digital radio as both an owner and service provider.

SBDR is a consortium comprising digital radio expertise, local radio experience and community radio, which gives us a strong and secure base to establish and operate the multiplex for its licence term:

- South Birmingham Community Radio Broadcasters Ltd (20%) is a new not-for-profit company whose members will comprise community radio services licenced by Ofcom and who operate within the South Birmingham area (as defined by Ofcom). This company has board representation on South Birmingham DAB Ltd and will share the surplus of the multiplex for the benefit of community radio services.
- Subdigital Ltd (27%) – the people behind Leicester's Sabras Sound, and a shareholder in the Leicester, Nottingham and Derby local DAB multiplexes.
- Murfin Media (Digital) Ltd (27%) – the people behind Sunshine Radio and closely involved with Wolverhampton's Youthcomm and Birmingham's Big City Radio community radio service. Murfin Media are also a shareholder in the Herefordshire & Worcestershire and the Gloucestershire local DAB multiplexes.
- MuxNet UK Ltd (26%) – which includes the people behind the national Fun Kids children's radio network and MuxCo network of local DAB multiplexes, and small-scale digital radio in Bristol.

In devising our business plan, we have tried to balance cost-effective access for local and community groups with revenue from new entrants and groups building quasi-national networks. The shareholders have vast experience in selling multiplex capacity to the radio sector and have existing relationships with many.

Our ethos is that digital radio should be available in a cost and operationally efficient manner to enable as many organisations as possible to broadcast. We therefore aim to keep costs low by working with MuxNet UK to provide technical and administration expertise. MuxNet UK's executives have been involved with both digital radio and small-scale digital radio since their inception, and are involved with a number of small-scale potential licensees. They have spent a great deal of time looking at various multiplexing and transmission solutions, and have economies of scale to deliver excellent pricing to the multiplex.

### **Management:**

SBDR has entered into a multiplex management agreement with MuxNet UK, who as well as project managing the application, will oversee the build of the multiplex and transmitter network, contracts with service providers, liaison with Ofcom and service providers and oversee day to day multiplex management and service provider liaison ongoing. MuxNet UK has substantial digital radio experience in terms of both multiplex build and operation, as well as digital radio services.

We recognise there are three stages in the launch of a new multiplex:

- Planning – the design of our transmission plan has taken into account the requirements of service providers to ensure that population and major roads are well covered, and local geographical issues are taken into account. A number of iterations have been produced before settling on our plan
- Building & testing – Following award, we will finalise our plan and prepare milestones to the launch of the multiplex. This will include international clearance, the build timetable and service provider installation. Through Nick Piggott, MuxNet has considerable existing experience to build the proposed transmitter plan.
- Start-up phase - includes contracting with service providers, monitoring the installation of multiplex equipment and ensuring the necessary testing is undertaken prior to launch; liaising with Ofcom over the build process; ensuring regulatory issues are followed.

**Funding Required:**

SBDR has identified a total funding requirement of up to £50,000 to establish the multiplex. This includes capital expenditure for transmission equipment of £40,000, £5,000 for administration costs and £5,000 to provide working capital at launch. With MuxNet UK overseeing establishment and management of the multiplex, SBDR requires no offices of its own and overheads will be kept to a minimum.

The three corporate shareholders will fund all establishment costs of the multiplex, and will provide this funding through interest free loan stock.

**Transmission:**

Our proposal is to build three transmission sites:

- Metropolitan House
- Wharf Lane, Solihull
- Headley Heath

We do not propose complex antenna configurations that would require expensive mounting or site establishment, and therefore operating costs will be modest. In all cases, baseline infrastructure (power, connectivity, equipment space and metalwork) is already present and offered to us to use.

We will locate the multiplexing equipment at Metropolitan House with a backup at Wharf Lane (and a further "on demand" backup multiplexer in cloud, managed by MuxNet alongside its telemetry services) thus saving 'cloud' costs for multiplexing. We have verified that SME quality IP connectivity is available at a reasonable price at each site, which we will supplement with 4G backup.

There is provision for usual site establishment costs relating to legal agreements and insurance.

**Carriage fees:**

Under our proposed ratecard, all service providers will be charged a linear carriage fee based on the bit rate capacity contracted. We have informed potential service providers of our proposed ratecard, which will be subject to the finalisation of our transmission plans post award.

## South Birmingham Digital Radio Limited

### Small-scale radio multiplex application form – Part A

All service providers have been offered carriage at 48k/bits, and we are flexible to contract at higher and lower bit rate allocations. Carriage fees will be invoiced monthly in advance and increase annually by RPI.

Each service provider will be provided with similar carriage contracts, with identical terms and conditions. All will be offered contracts that run to the end of the multiplex licences. We recognise that some service providers may wish to contract for shorter periods, and will accommodate such requests. We believe that our chosen tariff structure provides certainty to service providers over their carriage costs throughout the contract and / or licence term.

At the date of application, 5 community stations are already signed up to the multiplex, with interest from 21 commercial stations, details of which are provided in part B. We will continue to promote opportunities on the multiplex for community and commercial services.

In addition to full time services, we will also welcome short term 'pop-up' services.

On the basis of the level of identified service provider interest, we are confident that carriage fee income will more than cover operating costs.

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

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

- 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.

Funding from the three corporate shareholders 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.)

The board and shareholders of SBDR have extensive experience in community radio, local radio and digital radio and particular experience in making new small and medium sized radio projects work:

- Sunshine Radio, Sabras Radio and Fun Kids are all non-group operated radio stations that have been established and prospered. All the participants have worked closely with community radio stations as trustees or advisors, and understand the issues that affect these small stations.
- The corporate part of the board and shareholders also have significant experience in making local commercial digital radio work. Don Kotak has been a shareholder and director of Now Digital East Midlands for many years, and Gregory Watson created and managed the Now Digital multiplex network, and current manages the MuxCo multiplex network. MuxCo has a long history in supporting smaller and new entrants.
- Nick Piggott has extensive experience in digital radio technology, having been involved in the sector for over 20 years. He was also responsible for delivering the multiplex operations of the Bristol small scale trial.

Together the principals have vast experience and commitment to local radio and are in an excellent position to deliver a successful multiplex.

In relation to of day-to-day operations, SBDR has signed a service contract with MuxNet UK, whose directors are Nick Piggott, Gregory Watson and Matt Deegan. All three have extensive experience of all aspects of DAB Digital Radio.

Nick Piggott has been deeply involved with the Small Scale DAB trials in several locations, as well as the Open Digital Radio project, and has decades of technical experience of Digital Radio, sitting on the Technical Committee of WorldDAB and contributing to the creation of technical standards and guidance papers.

Gregory Watson has a deep experience of regulatory and business affairs. Matt Deegan has been involved with strategic and commercial development of digital radio for many years, and leads on commercial opportunities, and with Gregory has interests in a number of other multiplex operating companies.

MuxNet UK will provide continuous technical support, support for service providers, manage legal and contractual compliance, and will sell spare capacity on the multiplex on behalf of South Birmingham DAB. MuxNet UK Limited will contract any required specialist skills or resources to build, install and maintain the transmission equipment, and will take on responsibility for technical compliance.

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	MuxNet UK Limited	Small Scale DAB Trials, Local DAB multiplexes
Ongoing maintenance of the transmission equipment	MuxNet UK Limited	Small Scale DAB Trials, Local DAB multiplexes
Installation of the Multiplexing equipment	MuxNet UK Limited	Small Scale DAB Trials, Local DAB multiplexes
Day-to-day technical management and maintenance of the multiplexing equipment (if different from response to question 3.28 above)	MuxNet UK Limited	Small Scale DAB Trials, Local DAB multiplexes

### 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:

We expect to be able to commission all transmitter sites and deliver planned coverage within 7 months of award.  
A Gantt chart of key project tasks is attached.



## 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:

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:

No participant in the applicant company proposes to provide a C-DSP service on the multiplex.

However, any holder of a relevant C-DSP licence will be invited to participate in Dudley & Stourbridge Community Radio Ltd which holds 20% in the applicant company.

## 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:

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

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

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

We are therefore confident that we will provide a strong line up of local, community and commercial services on the multiplex from launch, covering a wide range of tastes and interests; local, regional and national. Full details of these services are detailed in Part B and in Appendix 9.

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

## 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:

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

We contacted the existing service providers on the Birmingham trial to ascertain their interest in broadcasting to South Birmingham. We also contacted known potential service providers; both local and national.

We have created and maintain a register of requests for capacity for services, and those requests are assessed equally on a 'first-come, first-served' basis. Details of our contacts and discussions with prospective programme service providers are attached in Appendix 9.

We have published a ratecard which identifies tiering for Restricted and Un-restricted capacity (attached Appendix 9).

We have created a standard carriage agreement that will be applicable to all service providers (attached Appendix 10).

We have provided a copy of our ratecard to all prospective service providers.

## 6. Declaration

### About this section

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

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

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

GREGORY WATSON

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.