

Better Media Consultation Ofcom Response - Licensing Priorities for Broadcast Radio

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Better Media is a membership organisation that advocates for democratic media in the United Kingdom, promoting greater plurality, wider public participation, and fairer access to media systems, platforms and policymaking.

1 Executive Summary

Better Media supports Ofcom's continuing recognition of Small-Scale DAB as the principal low-cost digital route to market for new services. However, the consultation remains too cautious, too protective of incumbent market structures, and too willing to frame conservative policy choices as a consequence of administrative scarcity rather than as the product of regulatory choice.

In Better Media's view, the central policy question is not whether Ofcom should preserve the inherited market architecture, but whether it should now widen lawful access to spectrum, reduce barriers to entry, and treat platform plurality as a continuing public good. That requires a more explicit access-led and competition-led approach than the consultation presently offers.

This response therefore makes four immediate points:

- I. SSDAB should remain the principal expansion route for new low-cost digital services.
- II. Analogue community licensing should remain available wherever spectrum exists, and public value can be demonstrated.
- III. No additional Local DAB capacity should be prioritised where it would destabilise existing or potential SSDAB provision, deepen carriage dependence on larger incumbent multiplex operators, or displace spectrum that could instead be used to address SSDAB coverage gaps.
- IV. Ofcom should publish clearer criteria, sequencing rules and operational timetables for the new licensing processes it now proposes.

This response also makes three wider recommendations:

- Ofcom should undertake a structured review of the spectrum-management assumptions that continue to favour historical large-area coverage patterns.
- Ofcom should modernise its consultation, licensing and spectrum-management systems so that live data can be interrogated, and administrative constraints are not routinely used to justify market closure.
- Ofcom should also prepare, as a longer-term objective, for a more on-demand licensing model once the immediate reconfiguration of licensing priorities is settled and any pent-up demand has been worked through.

Better Media considers that the future radio environment will remain mixed. The practical outcome is unlikely to be a single-platform settlement. It is more likely to be a mixed model in

which AM, FM, SSDAB, larger-scale DAB and IP coexist for different audiences, localities and use cases. Comparative learning from other territories and jurisdictions, including Norway, Spain, India and China, may therefore provide useful contextual framing for future policy development, even where the United Kingdom ultimately adopts a distinct regulatory settlement.

Finally, Better Media notes that the DCMS Digital Radio and Audio Review was undertaken through a selective and partial process that did not include citizen-media advocates, civic-media practitioners, or public-purpose organisations with broader perspectives on media distribution, representation and plurality. That does not invalidate its evidence, but it does mean Ofcom should not treat its institutional assumptions as exhaustive or uncontested.

2 Guiding Approach

Better Media's approach to this consultation is shaped by six linked principles:

- a) Spectrum should be treated as civic infrastructure rather than as the managed inheritance of legacy broadcasters.
- b) Citizens and consumers are best served when lawful platform choice is preserved rather than narrowed.
- c) Licensing policy should reduce barriers to entry and support low-cost, decentralised and innovative service models.
- d) Public value should include social gain, local accountability, resilience and service to underserved communities, not only aggregate listening scale.
- e) Administrative modernisation is itself a material regulatory issue.
- f) Strategic reviews should be informed by a wider range of civic and public-purpose perspectives than has often been the case in UK radio policy development.

For the purposes of this consultation, Better Media therefore seeks outcomes that are practical, staged and evidence led. Some changes should follow immediately from this consultation. Others, including a more on-demand licensing system, will require a second phase once the current backlog of demand and the first post-review reconfigurations have been dealt with.

3 Consultation Question 1 - Do You Agree with the Proposed Broadcast Licensing Priorities for the Short to Medium Term?

Better Media agrees only in part.

We support Ofcom's proposal to continue prioritising SSDAB, to permit SSDAB coverage improvements, and to continue analogue community licensing where need and spectrum exist. We do not agree with the broader strategic framing in full because it remains too protective of incumbent structures, too deferential to legacy spectrum assumptions, and too cautious about widening entry for new low-cost services.

Ofcom's statutory duties point in the same direction. The regulator is required to consider plurality, optimal spectrum use, competition, innovation and the interests of those who may wish to use spectrum. Those duties support an access-led and competition-led approach, rather than one that mainly preserves continuity for existing providers.

For the purposes of this consultation, Better Media therefore recommends a revised practical priority order:

- SSDAB should remain the principal growth route for new low-cost digital services.
- New analogue community licensing should remain freely available wherever spectrum exists, and public value can be demonstrated.
- Local DAB should not be expanded further where this would weaken SSDAB viability, constrain future SSDAB licensing, or deepen carriage dependence on larger incumbent multiplex operators.

In addition, Ofcom should be more explicit about how the new priority structure will work in practice. The proposed *ad hoc* expression-of-interest model for new SSDAB areas lacks sufficient transparency. The consultation does not define what would amount to clear and robust evidence of demand, how competing or overlapping expressions of interest would be handled, or what indicative timescales applicants should expect. That uncertainty risks arbitrary outcomes and may deter smaller entrants.

Ofcom should also publish a *coordination principle* for deciding between extension of an existing SSDAB multiplex and advertising a new multiplex area, where both could plausibly address an unserved location. At present, these are presented as parallel priorities, but no framework is proposed for deciding which approach better serves spectrum efficiency, service sustainability, local fit or speed of delivery.

The consultation also needs a more credible account of delivery capacity. FM community licensing capability has been dormant for several years, yet Ofcom now proposes to run renewed FM work alongside continuing SSDAB activity without explaining how demand will be managed or how operational bottlenecks will be avoided. A *light-touch* preliminary expression-of-interest stage for any new FM round would therefore be preferable, both to gauge pent-up demand and to permit targeted preliminary spectrum assessment before a full Invitation to Apply is opened.

Better Media further submits that Ofcom should exercise caution in any move to advertise new Local DAB multiplex licences in areas already served by SSDAB or capable of being served by SSDAB. The Media Act 2024 has deregulated important parts of the Local DAB award framework, while SSDAB retains stronger community-benefit expectations. This asymmetry, combined with the higher financial and technical barriers associated with Local DAB, risks reinforcing incumbent commercial advantage rather than widening access.

4 Consultation Question 2 - Will the Proposed Licensing Priorities Provide Sufficient Provision for Audiences?

Not in their current form.

The proposals may maintain provision, but they will not necessarily maximise provision, diversity, accessibility or innovation. Ofcom's own evidence indicates that the United Kingdom remains in a mixed listening environment across DAB, online and AM/FM, with analogue still important for some older, lower-income, rural, vulnerable and geographically dispersed audiences.

For that reason, Better Media rejects any use of this licensing review as a proxy route to a digital switch-off settlement. Citizens should retain the right to choose the lawful platform of their choice, and service providers should retain the right to commit to whichever lawful platform best serves their purpose, budget and audience. Platform plurality remains a public good while listening behaviour, receiver ownership, geography and affordability remain mixed. This does not need to be directed by the state or regulator.

Audiences are best served when low-cost access expands the number and range of lawful services available to them. Lower transmission and carriage thresholds support diversification of supply, innovation in content formats, stronger place-based provision, and more routes for minority, cultural and civic services to emerge. That case applies to both analogue and digital licensing routes.

Ofcom should also recognise that its present evidence base largely measures existing listening behaviour rather than unmet need. Audience research based primarily on current consumption patterns cannot by itself show what underserved communities would choose if new low-cost services became available. Additional work on unmet demand, especially in rural areas, lower-income communities, and parts of Wales and Scotland where DAB coverage is weaker, would materially strengthen the basis for future licensing decisions.

In that regard, international comparison may be useful as contextual framing. Different jurisdictions have adopted different balances between analogue retention, digital migration, local plurality and public-purpose provision. Better Media does not argue for mechanical policy transfer, but it does submit that the United Kingdom should not assume that a single linear migration model is the only credible route.

5 Consultation Question 3 - Do You Agree with Ofcom's Proposed Change to Its Approach to the Forty Per Cent Ceiling for SSDAB Coverage Improvement or Extension Requests?

Yes in principle, but the proposed reform is too narrow.

Better Media supports flexibility where a beneficial SSDAB extension would otherwise be blocked by a marginal exceedance of the current threshold. However, the deeper issue is that the forty per cent ceiling is being treated too much as a protective rule for incumbent Local DAB footprints and not enough as a secondary consideration within a wider public-interest and optimal-spectrum-use framework.

The relevant regulatory questions should therefore be whether the proposed overlap would enable additional services, serve a real community footprint, strengthen SSDAB viability, and produce clear public benefit that outweighs any commercial discomfort to incumbent operators. Better Media therefore recommends that Ofcom replace the present protection-oriented presumption with an access-based test.

It would also be helpful for Ofcom to acknowledge more explicitly that the forty per cent ceiling is framed in legislation as a *desirability consideration* rather than an absolute cap. Where rigid application frustrates Ofcom's primary duties in relation to plurality, optimal spectrum uses or the securing of a wide range of services, the final statement should make clear that the threshold may be overridden.

In addition, Ofcom should publish worked examples and clarify that the proposed flexibility applies to power increases as well as boundary extensions. Without that, applicants will struggle to assess the likely merits of requests designed primarily to improve practical coverage quality rather than to enlarge nominal service areas.

6 Consultation Question 4 - Do You Agree with Ofcom's Analysis of the Existing Broadcast Licence Types?

No, not fully.

The analysis is useful as a descriptive summary of current conditions, but it is too static, too conservative in its treatment of spectrum, and too accepting of the present market structure as a baseline. Ofcom's own consultation acknowledges that large national services historically occupied substantial blocks of spectrum, while smaller services were fitted into the remaining gaps. That observation should have triggered a more searching review of planning assumptions, protection ratios, coverage expectations and reuse possibilities.

Instead, the consultation largely treats current scarcity as a settled fact and asks how best to ration opportunities around it. Better Media considers that approach too deferential to legacy allocation patterns associated with the BBC and other established operators. A licensing review that does not also interrogate spectrum-management assumptions is only a partial review.

For example, the audience for BBC Radio 3 is well served by DAB transmission, with the number of people receiving Radio 3 via FM transmission being significantly smaller in comparison. The available spectrum freed by transitioning Radio 3 to DAB and online transmission would clear significant spectrum for new local FM services.

There is no such constraint with AM services, which are no longer constrained by spectrum scarcity, and can therefore be subject to on-demand licensing approach. With the removal of service-type considerations in the Media Act 2024, the only determining factor is to what extent a prospective operator can afford to run a local, regional or large-scale transmitter. AM licensing should now, therefore, be considered largely a market defined matter, with suppliers seeking to meet demand. AM is no longer restricted by spectrum availability limits.

Ofcom's analysis would also benefit from paying greater attention to interaction between platforms. In practice, the availability or affordability of SSDAB in any given area can affect the continuing relevance of FM community licensing, just as Local DAB decisions can affect SSDAB sustainability. A licence-type table that treats each route in isolation risks understating those interactions.

Better Media considers that Ofcom should take a more critical distance from the institutional framing of the DCMS Digital Radio and Audio Review. That review was developed through a selective and partial set of participants that did not include citizen-media advocates, civic-media practitioners or public-purpose organisations with broader views on plurality and representation. Its evidence remains relevant, but its governance and viewpoint should not be treated as a complete account of the public interest.

7 Consultation Question 5 - Do You Agree With Ofcom's Impact Assessment?

No, not in full.

The impact assessment is too favourable to Ofcom's own proposals and does not sufficiently examine foregone benefits, institutional constraints, or the anti-competitive effects of preserving incumbent structural advantage. Ofcom acknowledges that community radio and lower-cost provision support innovation, social inclusion, civic participation and local economic development. That evidence should lead to a more expansive market-opening policy than the one now proposed.

A major omission is institutional capability. Ofcom repeatedly frames licensing choices around time, workload and queueing pressures, yet continues to rely on administrative systems that do not permit effective interrogation of live data or efficient applicant handling. Better Media's view is that regulatory capacity should be improved through systems reform, rather than used as a standing justification for conservative licensing priorities.

The impact assessment would also be stronger if it considered the equality implications of rigid spectrum constraints and platform assumptions in more granular geographic terms. In urban areas with highly diverse populations, and in nations where DAB coverage is weaker, the effects of platform limitation may not be evenly distributed. A broader conclusion of no negative impacts risks missing these localised distributional effects.

Ofcom should also be cautious about relying on older affordability assumptions for digital listening equipment and older spectrum assessments for both FM and Local DAB availability. Where key background analysis is several years old, the regulator should either refresh it or acknowledge the limitations of drawing strong policy conclusions from it.

8 Consultation Question 6 - Do You Have Any Other Comments to Make on the Proposals?

Yes.

Better Media recommends that Ofcom adopt an explicit platform-neutrality principle. Citizens should be free to use AM, FM, DAB or IP services according to need and preference. Service providers should be free to commit to any lawful platform that suits their purpose and audience.

Better Media also recommends that Ofcom state more clearly that SSDAB is the preferred low-cost expansion platform for new digital services and that no additional Local DAB access should be authorised where it would destabilise SSDAB, reinforce dependency on higher-cost multiplex structures, or absorb spectrum that could more effectively be used to address SSDAB coverage gaps.

In parallel, Ofcom should adopt a positive analogue access principle. Where AM or FM spectrum can be coordinated without disproportionate interference, new licensing should be enabled where it increases plurality, strengthens local resilience, serves underserved communities or adds demonstrable public value. AM and FM remain lawful and socially useful broadcast platforms and should not be treated merely as historical residues.

Ofcom should also address dormant and long-term off-air analogue licences more actively. Spectrum that remains tied up in licences that are not operating and have no credible return-to-

air plan is not being used optimally. Better Media therefore supports a clearer policy for requiring such licensees to resume, transfer or surrender within a defined period, failing which revocation and re-advertisement should follow.

A fresh spectrum assessment is now needed. The practical evidence base for FM and Local DAB availability appears to be materially older than the present consultation, while Ofcom's own records of latent FM demand appear incomplete. This strengthens the case both for refreshed technical analysis and for a preliminary demand-gathering stage before any full FM invitation process is launched.

Finally, Better Media considers that a more on-demand licensing model should remain the preferred long-term direction of travel. That is unlikely to be the correct immediate outcome while the present reconfiguration of licensing policy is being settled and while pent-up demand is still likely to be discharged through structured processes. Once that initial rebalancing is complete, however, a more responsive and on-demand system would be preferable, provided that Ofcom has first modernised its spectrum, consultation and licensing systems sufficiently to administer it well.

If Ofcom retains the present short- to medium-term framework, it should in any event commit to a defined review point so that these priorities do not simply harden into a default position for an indefinite period.

9 Systems Modernisation and Regulatory Capability

Better Media considers Ofcom's administrative capability to be a material factor in this policy area. The regulator frequently explains licensing choices by reference to limited staff time, queueing pressures and opportunity costs. That claim cannot be evaluated properly while Ofcom continues to rely on document-led consultation workflows, static form-based submissions, and data systems that do not allow meaningful interrogation of live information on applications, spectrum availability, demand, service performance and public-value commitments.

A modern broadcast licensing system should provide structured digital interfaces for prospective applicants, searchable and machine-readable application data, live application tracking, dynamic guidance on likely regulatory issues, and continuously updated spectrum planning information. Ofcom should also examine the use of interrogative AI tools that help prospective licensees understand eligibility, help spectrum planners model reuse and overlap scenarios, and help the regulator compare public-value claims in a transparent and consistent manner.

Better Media does not suggest that such reforms would remove all genuine capacity constraints. We do submit that they would materially reduce avoidable friction, improve transparency, and make it harder for outdated systems and weak internal records to function as a standing explanation for market closure.

10 Immediate Recommendations

10.1 Licensing Priorities

Ofcom should confirm SSDAB as the principal low-cost digital route for market opening and should maintain scope for new analogue community licensing wherever spectrum and public value justify it.

10.2 Local DAB Restraint

Ofcom should not authorise further Local DAB expansion where this would materially weaken SSDAB viability, foreclose future SSDAB licensing options, or reinforce higher-cost incumbent advantage without equivalent community benefit.

10.3 Platform Freedom

Ofcom should state clearly that this review does not imply or advance a digital switch-off settlement, and that lawful platform choice remains part of the public interest.

10.4 Process Transparency

Ofcom should publish criteria and indicative timescales for SSDAB expressions of interest, explain how it will sequence extensions against new multiplex areas, and consider an expression-of-interest stage before any full FM Invitation to Apply.

10.5 Overlap Reform

Ofcom should move from an incumbent-protection presumption to a public-interest and access-based test for SSDAB overlap cases, supported by worked examples and explicit confirmation that power increases are in scope.

10.6 Licence Housekeeping

Ofcom should adopt a clearer policy for dormant or long-term off-air analogue licences so that unused spectrum is not left idle where communities remain unserved.

10.7 Wider Structural Review

Ofcom should initiate linked work on spectrum-access assumptions, systems modernisation, and the longer-term conditions for a more on-demand licensing model once immediate pent-up demand has been addressed.

11 Concluding Position

Better Media's overall position is that Ofcom should revise the proposed strategy so that it becomes more open, more access-oriented and more explicitly pro-competition. The citizen and consumer are best served by low-cost broadcast access, a wider plurality of suppliers, stronger civic and local provision, and greater freedom to innovate across both analogue and digital platforms.

The final statement should therefore move beyond a narrow defence of inherited market structures and should instead establish a licensing framework that widens access to spectrum,

increases contestability, modernises regulatory systems, and treats spectrum as civic infrastructure rather than as the managed inheritance of legacy broadcasters.

12 Policy and Evidence Base

Ofcom. Licensing Priorities for Broadcast Radio: Consultation on Ofcom’s Proposed Strategic Approach to Broadcast Radio Licensing. February 2026.

Ofcom. Media Nations 2025: UK Report.

Department for Culture, Media and Sport. Digital Radio and Audio Review. 2021.

Department for Culture, Media and Sport. Government Response to the Digital Radio and Audio Review.

Media Act 2024 and associated explanatory notes.

Cabinet Office. Consultation Principles. 2018.

HM Government. AI Opportunities Action Plan. 2025, and subsequent implementation update.

Decentered Media background materials on social value, decentralised communications and civic media development.

Maxxwave consultation briefing on Ofcom Broadcast Radio Licensing: Response Strategy and Evidence Summary. March 2026.

13 Annex: Legal And Legislative Cross-Reference

Supporting Better Media’s Response to Ofcom on Licensing Priorities for Broadcast Radio

Purpose: This annex identifies the principal statutory duties, powers and legislative changes that support the main claims and recommendations in Better Media’s consultation response. It is designed as a cross-reference tool for Ofcom and related stakeholders, showing where the response aligns with the current legal framework and where it calls for a broader or more ambitious exercise of Ofcom’s discretion.

14 Key Authorities

Communications Act 2003, especially section 3 (general duties) and section 258A as inserted for small-scale radio multiplexes.

Wireless Telegraphy Act 2006, especially section 3 (spectrum management duties).

Broadcasting Act 1990 and the Community Radio Order 2004, forming the analogue community radio framework.

Broadcasting Act 1996, as modified by later instruments for digital multiplex licensing.

Broadcasting (Radio Multiplex Services) Act 2017, creating the statutory basis for the SSDAB framework.

Small-scale Radio Multiplex and Community Digital Radio Order 2019, operationalising SSDAB and community digital sound programme services.

Media Act 2024, including changes to radio licensing, localness obligations and radio selection services.

Equality Act 2010, section 149 (public sector equality duty).

14.1 Cross-Reference Matrix

Main Response Claim or Recommendation	Principal Legal Basis	How The Authority Supports the Point
SSDAB should remain the principal low-cost digital expansion route.	Broadcasting (Radio Multiplex Services) Act 2017; Small-scale Radio Multiplex and Community Digital Radio Order 2019; Communications Act 2003 s.3; Wireless Telegraphy Act 2006 s.3.	These instruments were expressly designed to create a lighter-touch, lower-cost digital route for smaller commercial and community services. Ofcom's general and spectrum duties reinforce this by prioritising plurality, competition, innovation and efficient spectrum use.
Analogue community licensing should remain available where spectrum and public value exist.	Broadcasting Act 1990; Community Radio Order 2004; Communications Act 2003 s.3.	The community radio framework is a public-interest licensing regime built around social gain, access and accountability. Nothing in the present consultation requires a digital-only settlement, and Ofcom's duties still require a wide range of radio services.
Local DAB should be restrained where it would damage SSDAB viability or entrench incumbent advantage.	Broadcasting Act 1996; Media Act 2024; Broadcasting (Radio Multiplex Services) Act 2017.	Local DAB now operates under a more commercially deregulated framework following the Media Act 2024, while SSDAB retains stronger access and community-benefit expectations. Ofcom has discretion to avoid licensing choices that undermine the specific access purpose of SSDAB.
The forty per cent overlap rule should be interpreted through a broader public-interest and optimal-spectrum-use lens.	Small-scale Radio Multiplex and Community Digital Radio Order 2019; Communications Act 2003 s.3; Wireless Telegraphy Act 2006 s.3.	The overlap provision is a consideration within a wider statutory framework. Ofcom's primary duties on optimal spectrum use, plurality, innovation and future demand support a more flexible approach where rigid application would frustrate broader public-interest outcomes.
Platform freedom should be preserved and the review should not become a proxy route to digital switch-off.	Communications Act 2003 s.3; Media Act 2024 Part 6; broader radio framework under the 1990 and 1996 Acts.	Ofcom's citizen and consumer duties support preserving lawful platform choice where audiences and use cases remain mixed. The Media Act 2024 recognises the mixed-platform environment by regulating radio selection services

		on connected devices rather than replacing broadcast routes.
Dormant or long-term off-air analogue licences should be handled more actively.	Communications Act 2003 s.3; Wireless Telegraphy Act 2006 s.3; community radio licensing framework.	Optimal spectrum use and a wide range of services are inconsistent with spectrum remaining tied up indefinitely in non-operational licences where communities remain unserved. Ofcom has a clear public-interest basis for a firmer housekeeping policy.
Ofcom should modernise licensing, consultation and spectrum-management systems.	Communications Act 2003 s.3(3) and s.3(4) principles of transparency, accountability, proportionality and consistency; Wireless Telegraphy Act 2006 s.3.	Administrative modernisation is not a separate policy luxury. Better systems help Ofcom discharge existing duties more effectively by improving transparency, targeting, evidence quality, demand assessment and spectrum management.
A more on-demand licensing model should remain the longer-term direction of travel.	Wireless Telegraphy Act 2006 s.3; Communications Act 2003 s.3; relevant licensing provisions in the 1990 and 1996 Acts.	Present and future demand, efficient spectrum use and proportionate administration are already statutory considerations. Once pent-up demand and immediate reconfiguration issues are stabilised, a more responsive licensing model is legally arguable within the existing framework.
Ofcom should undertake more granular equality analysis where platform limitation or coverage gaps may fall unevenly on particular communities.	Equality Act 2010 s.149; Communications Act 2003 s.3.	Ofcom must have due regard to equality impacts in the exercise of public functions. This strengthens the case for assessing localised effects on older, disabled, lower-income, rural, linguistic and ethnically concentrated communities rather than relying only on aggregate market data.
The DCMS Digital Radio and Audio Review should not be treated as exhaustive or uncontested in public-interest terms.	No single statute compels Ofcom to treat prior policy reviews as determinative; Ofcom's primary duties remain under the Communications Act 2003 and Wireless Telegraphy Act 2006.	Ofcom may properly consider the DCMS review, but it must still exercise its own statutory judgment. A selective earlier policy process does not displace Ofcom's ongoing duties to citizens, consumers, plurality and efficient spectrum use.

14.2 Key Statutory Reading

Section 3 of the Communications Act 2003 is the central interpretive provision. It requires Ofcom to further the interests of citizens and consumers, secure optimal use of spectrum, maintain a sufficient plurality of providers, and secure a wide range of radio services. It also requires transparency, accountability, consistency and proportionality in regulatory action.

Section 3 of the Wireless Telegraphy Act 2006 complements this by requiring Ofcom to consider present and future demand for spectrum, efficient and effective management, economic and

other benefits, innovation, and competition. Where these duties conflict with duties under the Communications Act, the Communications Act duties take priority.

Taken together, these two Acts give Ofcom ample legal space to adopt a more access-led and competition-led licensing settlement than the consultation currently proposes.

14.3 Specific Legislative Shifts Relevant to the Current Consultation

The Broadcasting (Radio Multiplex Services) Act 2017 and the 2019 Order created SSDAB as a deliberate lower-cost access mechanism. Parliament's intention was not merely technical. It was explicitly to widen digital carriage opportunities for smaller commercial and community services.

The Media Act 2024 changed the regulatory environment for radio again. It reduced some burdens on analogue commercial radio, altered localness obligations, changed parts of the DAB framework, and added protection for radio services on connected devices. That means Ofcom is now making licensing choices in a legally mixed environment rather than along a single linear transition path.

Because the Media Act 2024 has changed the Local DAB landscape, Ofcom should not assume that further Local DAB expansion is a neutral continuation of past policy. It now requires a more active public-interest assessment.

14.4 Equality And Distributional Effects

The public sector equality duty under section 149 of the Equality Act 2010 strengthens the case for examining who is affected by platform limitation, affordability assumptions, and coverage gaps. This is relevant to urban diversity, rural isolation, age, disability, and linguistic minority provision.

A general statement that a policy has no significant negative impact may be insufficient where radio access patterns are uneven by geography or protected characteristic. Better Media's request for more granular equality analysis is therefore legally well grounded.

14.5 Implications For Ofcom's Final Statement

This legislative framework does not compel Ofcom to adopt Better Media's preferred policy outcome in every respect. It does, however, mean that a more plural, access-led, platform-neutral and administratively modern licensing framework is fully arguable within the existing settlement. If Ofcom chooses a more cautious path, it should explain clearly how that path better satisfies its duties on citizens, consumers, plurality, future demand, innovation, competition and efficient spectrum use than the alternatives proposed in the response.

14.6 Authorities Cited in This Annex

Communications Act 2003.

Wireless Telegraphy Act 2006.

Broadcasting Act 1990.

Broadcasting Act 1996.

Community Radio Order 2004.

Broadcasting (Radio Multiplex Services) Act 2017.

Small-scale Radio Multiplex and Community Digital Radio Order 2019 and explanatory memorandum.

Media Act 2024 and explanatory notes.

Equality Act 2010, section 149 and explanatory notes.