

Your response

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Question 1: Do you agree with the proposed broadcast licensing priorities for the short to medium term? Please give reasons for your answer.	Confidential? – N Whilst this is an important and necessary proposal, it doesn't go far enough to ensure that the audience and broadcasters in most need of protection get enough protection to enable them to be viable. In my mind, this covers community radio and the SSDAB sector as increasingly community radio is the only sector providing significant local content in a world where the BBC, commercial radio and newspapers have reduced their presence. Addressing each point: • requests to advertise new SSDAB multiplex areas – Ofcom should focus on new areas where there is significant evidence of demand, particularly in built up areas where frequency resources are scarce. There has been ample opportunity in rounds 1-8 to readvertise areas that failed in previous rounds, for one reason or another, so the focus should be on strengthening awarded licences. • requests to advertise further local DAB multiplex licences in areas where there is both obvious demand and frequencies are available – I do not disagree with this. • applications from existing SSDAB multiplex licensees to improve or extend the coverage of the multiplex – this is crucial to the success of the platform. • a more flexible approach, where appropriate, in our application of the '40% ceiling' regarding SSDAB – a marginal increase in the 40% ceiling is not enough and will make no difference in most cases. In many areas, Ofcom needs to look at significant increases above the 40% ceiling, which in far too many respects is an anachronistic figure anyway. • consideration of application rounds for new FM community radio licences – I have no problem with this where a community radio service has a very clear need to launch on the FM band and there are frequencies available. However, Ofcom should not prioritise these requests in areas of strong SSDAB coverage. • applications for renewals and extensions for commercial and community analogue licences – broadcasters

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	should be allowed to decide their own switch off dates for analogue licences however, Ofcom should not set this as a priority, especially in areas of reliable DAB coverage. • applications from existing commercial and community analogue licensees for technical changes – not as a priority in areas of strong and reliable DAB coverage. It should be recognised that analogue platform are becoming less relevant year on year, from an audience point of view, so it benefits no one to invest in this area. • support for ongoing licensing programmes which are already being undertaken – yes • continuing to provide ongoing support for incumbent licensed services – yes
Question 2: Do you consider that the proposed broadcast licensing priorities for the short to medium term will provide sufficient provision for audiences? Please give reasons for your answer.	Confidential? – N No. Unless coverage of SSDAB signals are strong and reliable across the towns and cities that the polygons are intended to cover (or the audience would have expectation that they would cover), then the audiences are not being served, smaller broadcasters are being disadvantaged against the larger, better resourced broadcasters and platforms and local democracy is being weakened.
Question 3: For post-launch SSDAB multiplex coverage improvement or extension requests only, do you agree with our proposed change in approach to our application of the rule which restricts overlap with local muxes to 40% of the population already covered by the local mux (the “40% ceiling”)? Please give reasons for your answer.	Confidential? – N I agree that the 40% ceiling needs to be revisited but much more radically than been proposed by Ofcom. My reasoning is as follows: • I believe that the 40% recommendation was implemented to stop a migration from Local DAB services to cheaper SSDAB services that focus on the most populated parts of the coverage area. As we are now in the fifth year of the SSDAB programme rollout, there is no evidence that this has happened, so it is questionable as to whether that protection needs to be maintained. • Take Aberdeen, for instance. The local Aberdeen multiplex is almost full (admittedly at DAB bi-rates, rather than DAB+). This multiplex is operated by Switchdigital, which in turn is owned by

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	News Group. Of the eleven stations on this multiplex, four are News Group stations, so will not move, and two belong to the BBC, who will also not want to reduce the coverage of their two national radio stations in Scotland. STV Radio is also a national Scottish service, leaving four big local services with ambitions beyond the city of Aberdeen. Many of the local DAB multiplexes around the country benefit from the presence of at least one BBC local/national service which gives them a level of almost guaranteed income that the SSDAB sector does not enjoy. • The SSDAB service in Aberdeen, however, is severely hampered by the 40% rule. On the basis that the majority of the population of the local Aberdeen multiplex are in the city of Aberdeen, as opposed to the much wider rural area, there was a necessity to advertise two SSDAB multiplexes for the city, Aberdeen North and Aberdeen South. Due to the small number of community radio services in the city (shown by there only currently being three services on the Aberdeen North SSDAB multiplex), it would never have been viable to operate two SSDAB multiplexes in the city. Had there been two awards in the city, this would have placed an unfair financial burden on the community radio services there, who would need to pay to be on both. There were no applicants for Aberdeen South, meaning that community radio in the city is only available on DAB in the north of the city. I believe that this is contrary to the intention of the SSDAB programme and a rule that was instigated to protect the incumbent Local DAB services actually acts in favour of better funded commercial radio services and against the smaller services that often operate in the voluntary sector. This gives a 'perverse outcome' and is the opposite of offering 'significant public benefit'. • Using a figure of 63 dBµV/m at 10m above ground level as a determination of population coverage also disadvantages SSDAB against the local and national multiplexes, where a higher

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	figure is considered for acceptable indoor coverage. Real life evidence based on currently operating SSDAB services shows that in built up areas 63 dBµV/m is not a strong enough signal to permeate the walls of modern (and not so modern) city residences which are often surrounded by other buildings that are also acting as a barrier to the signal. Indeed, in Aberdeen, indoor coverage is badly restricted due to the traditional building materials used in older stone buildings. • With regard to Section A2 of the consultation paper (Ofcom's Legal duties and powers), it is hard to see how this can be achieved if SSDAB is hampered by poor coverage in its core areas. Just on the basis of A2.1, which starts with 'Ofcom's principal duty in carrying out its functions is to further the interests of citizens and consumers (where appropriate by promoting competition)', competition can only be promoted when all services are on an equal footing. Citizens and consumers are not served by services they can not receive in their homes. • SSDAB has been instrumental in promoting competition and plurality. The number of services on DAB across the country is almost double the number of services on analogue (according to the Background section of the Ofcom consultation paper). Many services on local and national DAB tend to be simulcasts of analogue stations, or national brand extensions. SSDAB has been responsible for a new wave of experimental, local or community targeted services that have not previously been available. SSDAB has also allowed community radio, for the first time, to be able to afford to be on the growing audience platform of DAB compared to analogue platforms that we know are becoming less popular and are declining in use. • The BBC and commercial radio have, on the whole, moved away from the provision of local radio and moved to national services with restricted local content. Local democracy demands

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	that the local services provided by the community sector, along with services aimed at minority groups which are also served by the community sector, have the right to be heard as clearly and in all the same places as the bigger stations. Power levels available to SSDAB do not allow for this currently. • Poorer sectors of the community are more likely to rely on the radio compared to digital alternatives such as smart speakers. Therefore, good, reliable indoor radio coverage is a requirement to properly serve these listeners. • Car coverage, often considered more robust than indoor coverage, is hampered in cities due to topography and tall buildings. This is especially noticeable in London, but also other cities. Despite the greater abundance of SSDAB transmitters, and their more local placing, signal drop-outs are common making for a poorer listener experience. • SSDAB isn't protected from interference from neighbouring services in the same way as Local multiplexes are. The frequency plan for Local DAB restricts a neighbouring service to being a considerable distance away. However, for SSDAB, the necessity is that adjacent services are much closer, particularly in macro areas, which by their very nature are likely to require higher power transmitters to achieve suitable and useful coverage. Examples might be west London and Harlow or south London and the Medway Towns. Ofcom makes clear too, that the situation may get worse as it does not legislate here for the impact of future services at home or abroad. • Therefore, SSDAB is hampered in two respects, the requirement to stick to the 40% rule meaning that it is often impossible to give satisfactory coverage in the designated service area due to the possibility of breaching this rule, and the impact of interference from neighbouring multiplexes. Neither of these restrictions apply to Lo-

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	cal DAB who also have the advantage of a frequency plan that assumes a greater signal strength in their coverage area. Therefore, community services, who already struggle to survive, face a significant disadvantage against their much better resourced commercial colleagues. • The talk of FM switch off in the early 2030s, so less than five years away, will be more achievable if stations move to DAB now rather than leave it until it is closer to the time, but this requires robust reception. • We are doing smaller broadcasters no favours by leaving them on AM or FM, when the majority of listening is to digital platforms and therefore they are less visible to a potential audience. Radio needs to be where the audience is and that increasingly means DAB. However, if the only platform that is affordable to them, SSDAB, doesn't have the robust coverage that their listeners expect, then SSDAB isn't fit for purpose as far as they are concerned. • In many cases, a small increase in the 40% boundary, as suggested in the consultation paper, will not be enough and it can not be assumed that a one size fits all approach is appropriate. The important consideration is that there is reliable and robust reception indoors within the agreed polygon, whilst taking into account interference to neighbouring multiplexes. If that means that coverage outside the polygon exceeds 40, 50 or 60%, then so be it, but good reception inside should be the main consideration as the overspill will be sub optimal. • Post Round Eight should also be a good opportunity for Ofcom to look at the SSDAB frequency plan based on what has been awarded and successfully launched. It may be that some polygons would benefit from a frequency change at that point, if this is technically possible within a new plan, so that interference from neighbouring polygons can be reduced. After that point it will be possible to see what is available to allow a potential coverage increase for some polygons to

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	bring in uncovered areas or improve reception or to offer new polygon opportunities. This is on the basis that most potential opportunities were made available by Ofcom in Rounds One to Eight and if not awarded, there were either no suitable candidates or the polygon was judged to be not viable. Ofcom should protect the viability of the current operators before thinking offering a second chance to other areas.
Question 4: Do you agree with Ofcom’s analysis in section 3 and at Annex A1 of the existing broadcast licence types? Please give reasons for your answer.	Confidential? – N Whilst I fundamentally agree with the assessment in these sections of the consultation, I think that we need to ensure that the Regulator’s policies going forward deliver results in line with these statements. It is important to consider the pertinent points: • Given the increase in platforms and content services, UK audiences have never been better served in terms of radio and audio. • The community radio sector in particular has grown in recent years, with 300 analogue services currently available, the vast majority on FM, as well over 200 CDSPs • “given the steady decline in AM listening generally, further retirement of AM services and decommissioning of AM sites is likely to continue irrespective of any regulatory intervention. In light of this, there is no need for regulatory intervention to set a single mandated AM switch-off date.” • “On current trends the Review’s conclusion is that FM will be needed until at least 2030.” • Ofcom’s latest research into people’s audio listening, shows a broad shift away from analogue and towards digital platforms like DAB and online • Commercial radio stations account for the majority of live radio listening, mostly stemming from increased DAB coverage • community radio accounts for the largest number of individual FM licences

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	- Community radio services, both analogue and digital, are required by statute to provide tangible benefits to the communities they serve through the provision of social gain All of the above point to a very clear trajectory: - AM, as a delivery medium, is on the way out and broadcasters are voting with their feet - FM is following and 2030 is possibly a date where a serious view will be taken on its future. This is only three and a half years away. It is also quite possible that terrestrial TV will start to be switched off around the same period, making high powered, tall masts (where FM mostly shares with TV) unaffordable to radio broadcasters. This will push wide area FM into the same cost bracket as AM currently, leading to an accelerated FM switch off for simulcast services as the cost per listener of FM grows disproportionately. - Whilst the 'tangible benefits' of Community Radio are recognised by statute, regulation currently does little to put Community Radio on an equal footing with its commercial sisters. There is very little evidence of Community Radio damaging the commercial sector, it generally serves and audience that is not commercially viable. The 40% rule inhibits the community sector's ability to have comparable coverage on SSDAB to the rest of the radio sector on national and local DAB. Poor indoor and outdoor coverage and polygons that do not adequately cover contiguous areas, will stop listeners moving to DAB and cause community broadcasters, who are already counting every penny, from investing in the platform. A small increase above 40% will be insufficient to fix this considerable problem, leading to no perceivable audience benefit. - Real life evidence from Norway, the first country to move Public Service and Commercial services exclusively to DAB (whilst allowing Community Radio to remain on FM due to the lack of SSDAB

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	at that point), shows that 99% of all radio listening is now via digital platforms with Community Radio siloed on FM, a platform unused by the audience. We see this in the UK too with AM, where listeners have deserted the platform except in very specific and rare user cases.
Question 5: Do you agree with our assessment on the impact of our proposed broadcast licensing priorities for the short to medium term at Annex A3? Please give reasons for your answer.	Confidential? – N Annex A3 is full of all the right words without presenting a viable solution (it is a consultation document after all). Regulation in the UK has made great efforts to ensure that the radio sector can remain competitive in an increasingly competitive world, probably to a greater degree than the majority of regulation around the world. This is reflected in the relative success of the UK radio market compared to many others. Annex A3 talks in great detail about the importance of, and the requirement to service all audiences equally. Community Radio, as your assessment recognises in A3.10, has the potential to provide social gain that may not be viable in other sectors. I welcome Ofcom's requirement for SSDAB services to have reserved capacity for Community Radio (C-DSPs) as this ensures guaranteed space for current and future service. The SSDAB platform is far greener than analogue alternatives and also much more cost effective for Community Radio, due to shared transmission resources, and has the potential to deliver Community Radio to a wider area than is possible in the very crowded and restricted FM band. However, the 40% rule recreates the limitations that Community Radio has faced on FM and in many cases has made things worse. To ensure that the Community Sector enjoys the digital benefits that others currently enjoy, it has to have equal prominence to other services or the Social Gain and equality will be siloed and lost in a very competitive digital world where unregulated internet services will dominate. At that point, the worthy statements in A3 will become worthless.
Question 6: Do you have any other comments to make on the proposals?	Confidential? – N Radio in the UK remains strong, despite the competition from digital platforms from around the world, that could not have been imagined ten or fifteen years ago.

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	However, as far as access is concerned, there are still significant issues in delivering strong and reliable coverage to an audience that is the least well served, looking for local, accessible, non-commercial and community of interest radio. In a world where commercially viable content is everywhere, these services need an extra helping hand. In my opinion, Ofcom should not put additional effort into readvertising SSDAB Polygons that have previously failed for one reason or another but focus on ensuring the viability of the large number of polygons awarded in rounds one to eight. Ensuring viability means: • Ensuring power levels that will enable indoor reception comparable to local and national multiplexes • Ensuring meaningful coverage areas that match the audience expectation and deliver coverage that makes it worthwhile for cash strapped Community Radio to invest. • Ensuring that Community Radio doesn't end up siloed on platforms that have been deserted by the audience. • Taking a pragmatic regulatory view on which services need the most protection.

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