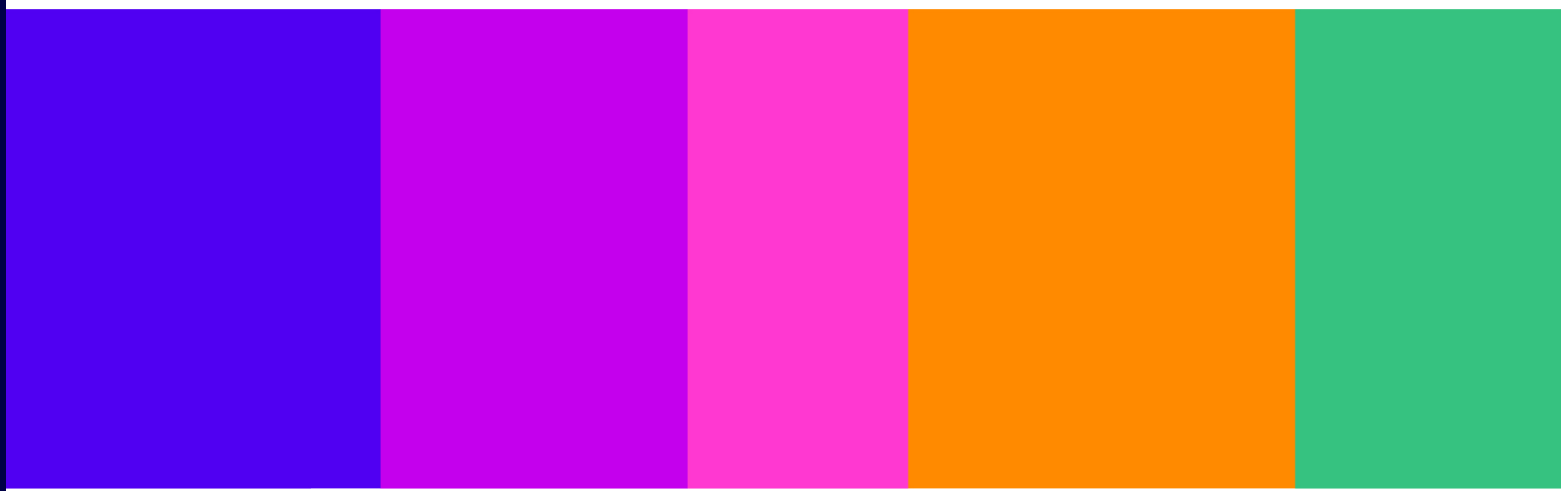


Local analogue radio licences

Renewal procedures

Guidance

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Renewing local analogue radio licences

This document sets out the procedures Ofcom will follow when considering an application for the renewal of a local analogue radio licence, including the legislative basis for such consideration. It also describes what steps radio service providers may take to seek the renewal of the licences they hold.

Statutory requirements

Sections [104A](#) and [104AA](#) of the [Broadcasting Act 1990](#), as amended (the “BA 1990”), allow for the holders of local analogue (i.e. FM or AM) radio licences to apply for the renewal of their analogue licence under certain circumstances. We describe these circumstances as forming two routes to renewal: the Original Renewal Route, and the New Renewal Route.

Original Renewal Route

Where the holder of a local analogue radio licence is also providing a local digital sound programme service on a 'relevant' local or small-scale radio multiplex service, the holder can apply for a renewal of the analogue licence.

A 'relevant' local radio multiplex service is one with a licensed area that provides actual or potential coverage in digital form to 25% or more of the adult population within the measured coverage area (MCA) of the local analogue licence in question. A 'relevant' small-scale radio multiplex service is one with a coverage area which includes at least 25% of the adult population within the MCA of the analogue licence in question.

Ofcom must have advertised a licence for a 'relevant' local or small-scale radio multiplex service before it can be nominated for the purposes of renewing a local analogue radio licence.

The holders of certain local analogue radio licences ('approved licences')¹ can choose to apply for renewal on the basis of a 'national nomination', i.e. to nominate a national digital sound programme service that they will provide, and a national radio multiplex service on which they will provide it, rather than a local digital sound programme service and a 'relevant' local or small-scale radio multiplex service.

New Renewal Route

The Media Act 2024 amended sections 104A and 104AA to introduce an additional renewal route for licensees into the BA 1990, for whom there is not a 'suitable' DAB multiplex available (the 'New Renewal Route').

The New Renewal Route allows the holder of a local analogue radio licence to apply for renewal of the analogue licence when they do not also provide a local digital sound programme service on a 'relevant' local or small-scale radio multiplex service, and where there is no available multiplex, or no suitable multiplex in relation to the local analogue service.

When we grant licence renewals, we expect the vast majority will still be on the basis of DAB provision described above (the 'Original Renewal Route').

As set out in our statement, '[Local commercial radio licence renewals](#)', we expect to grant renewals of licences under the New Renewal Route in the following limited circumstances only, being:

¹ The list of 'Approved Licences', and further information regarding 'national nominations', can be found at: https://www.ofcom.org.uk/_data/assets/pdf_file/0013/32260/addendum.pdf

- 1. Where there is no available multiplex:** If there is no 'relevant' multiplex (local or small-scale) in relation to a particular local analogue licence, that licensee would be able to apply for renewal under the New Renewal Route. No 'relevant' multiplex also includes circumstances where there is no capacity on all multiplexes relevant to the analogue service in question, and no other suitable multiplex is available (see below).
- 2. Where there is no suitable multiplex:** This is where a relevant local or small scale multiplex is available, but its coverage area is substantially larger or smaller than the area the analogue licensee covers on FM or AM. We will consider any applications for renewal under the New Renewal Route on a case-by-case basis, and our focus will be on the extent of any difference in coverage between the analogue service and the 'relevant' multiplex. The difference will need to be substantial before a licensee is able to benefit from the New Renewal Route. This is most likely to be the case where an analogue service covers a much smaller area than a 'relevant' local multiplex, where the additional unwanted coverage provided by such a multiplex could make it unsuitable for the analogue licensee. It may also be the case that the coverage offered by a 'relevant' small-scale multiplex is significantly lower than an analogue licensee's coverage area. It is unlikely that there will be many, if any, circumstances in which a local analogue radio licensee could successfully argue that a 'relevant' small-scale multiplex is unsuitable for their needs because its analogue coverage is substantially larger than the coverage of the multiplex.

We will consider all applications for licence renewal (on either route) on a case-by-case basis and may consider other factors if they appear to be relevant in a particular case.

Renewal period

The period for which a local analogue licence can be renewed depends on when the licence was last granted, and/or how many times it has previously been renewed. Section 104AA allows for a local licence to be renewed on three occasions, for periods of seven, five, and ten years, if it has previously been renewed under section 104A, or if it was last granted on or after 8 April 2010.

This means that any local analogue radio licence is eligible to be renewed, provided the relevant requirements are met.

Making renewal applications

Timetable for renewal applications

Ofcom will normally write to licence holders at least one year in advance of their 'relevant date' to formally notify them of that 'relevant date' and to explain the renewal procedure. The "relevant date" is the date by which a licence would need to be re-advertised were it not to be renewed. A licensee must apply to Ofcom for renewal three months in advance of that relevant date.

Renewal Process under the Original Renewal Route

To determine whether to grant an application for renewal under the Original Renewal Route, Ofcom is required to satisfy itself that:

- the applicant would provide a local analogue service which complied with the conditions included in the licence in pursuance of section 106 of the Broadcasting Act 1990;
- the nominated local digital sound programme service provided by the applicant is being broadcast by means of the nominated local or small-scale radio multiplex service; and
- the period for which the nominated local digital sound programme service will be available for reception and the times at which it will be available will not be significantly different, week by week, from those for which and at which the licensed local analogue service will be broadcast.

There is no application form for licence renewal. An application for licence renewal should comprise a letter, signed by an authorised representative of the licence-holding company, which sets out the following information:

- that the licensee wishes to apply for renewal for the relevant period under the relevant statutory provision (these will be specified in the letter notifying the licensee of their 'relevant date');
- the digital sound programme service being provided as the basis for renewal of the analogue licence ('the nominated digital sound programme service');
- the 'relevant' local or small-scale radio multiplex service (or national radio multiplex service for a 'national nomination') upon which the nominated digital sound programme service is to be/is being provided;
- the number of hours per day, and days per week, for which the nominated digital sound programme service is broadcast.

Alongside the letter, an application for renewal must also include:

- evidence (e.g. relevant contractual or related documentation) that the nominated digital sound programme service is being, or is intended to be, broadcast on the nominated radio multiplex service;
- a signed [Licensee Declaration](#);
- unabbreviated statutory accounts for the last available financial period for the licenceholding company, and;
- payment of the renewal fee.

Renewal Process under the New Renewal Route

We will grant renewals of licences under the New Renewal Route in limited circumstances only. Specifically, in order to determine whether to grant an application for renewal under the New Renewal Route, Ofcom is required to satisfy itself that:

- **there is no available or suitable multiplex:** that there is no ‘relevant’ multiplex, nor capacity on any ‘relevant’ multiplex; and that there is no suitable multiplex, primarily because the coverage area of any available multiplex differs substantially from the coverage area of the analogue licence being renewed, in conjunction with other factors Ofcom may consider; and
- the applicant will **nominate a relevant DAB multiplex** as soon as it is reasonably possible to do so.

There is no application form for licence renewal. An application for licence renewal under the New Renewal Route should comprise a letter, signed by an authorised representative of the licence-holding company, which sets out the following information:

- A **statement of explanation** that it has not been possible for the applicant to nominate a relevant DAB multiplex because of a lack of availability of a relevant local radio multiplex service, or of a relevant small-scale radio multiplex service that is suitable for its needs, and the reasons why; and
- A **statement of intent** that the applicant will nominate a relevant DAB multiplex as soon as it is reasonably possible to do so, because of the availability of a relevant local radio multiplex service, or of a relevant small-scale radio multiplex service, that is suitable for the applicant's needs and meets the requirements of section 104A(4). The applicant should also confirm the name of the licensed service that it intends to be carried on that multiplex.

Your statement of explanation should also include the following, where there is **no available multiplex**:

- a. A statement that there is no available multiplex due to there being no licensed DAB multiplex already existing, or planned, in your area; or
- b. A statement that there is no capacity on the relevant multiplexes in your area, including an explanation of any inquiries you have made, and any evidence of these.

Where you are making representations that there is **no suitable multiplex**, your statement of explanation should include:

- a. the overall difference in the level of coverage between the available ‘relevant’ multiplex and the measured coverage area for your licence, and the consequences of this difference;
- b. whether and how your service has been broadcast on DAB previously, if applicable; and
- c. any other evidence you wish to provide in support of your representations that there is no suitable multiplex for your needs.

Your statement of intent should include a description of the actions you will take to monitor new multiplex availability and capacity, and steps to secure carriage on a ‘relevant’ multiplex at the earliest opportunity.

Alongside the letter, an application for renewal under the New Renewal Route must also include:

- a signed [Licensee Declaration](#);

- unabbreviated statutory accounts for the last available financial period for the licence-holding company;
- payment of the renewal fee; and
- any documents you require to support the argument in your statement of explanation.

Upon renewal Ofcom will include a condition in the licence requiring the licensee to make the nomination described in statement of intent as soon as possible, and to do all it can to ensure that it makes the nomination described in the statement of intent as soon as it is reasonably possible to do so, and a condition requiring the licensee to do all that it can to ensure that it starts broadcasting the nominated digital sound programme service on the nominated radio multiplex service as soon as reasonably possible after it has made that nomination.

Renewal fees

The fees Ofcom charges for the renewal of local analogue radio licences can be found in Ofcom's [Tariff Tables](#), which are published each year.

Data Protection

We require the information requested in the application in order to carry out our statutory functions, and in particular our licensing functions 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.

If you have any questions about the renewal of your local analogue radio licences, or the process for applying for such, please contact the Broadcast Licensing team broadcasting.licensing@ofcom.org.uk.