

Small-scale radio multiplex licence award: East Devon

Background

Ofcom has decided to award a new small-scale radio multiplex licence for East Devon to ExeDAB Limited.

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

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

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

Assessment

On 19 April 2024, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex services in localities including East Devon.

By the closing-date of 18 July 2024, Ofcom had received one application for East Devon. This was from ExeDAB Limited ("ExeDAB"). Copies of the non-confidential parts of the application were made

available for public scrutiny on the Ofcom website, and public comment was invited as required under section 50(7) although no comments were received.

Ofcom colleagues assessed the detail of the application, including carrying out an assessment of the technical plan required to be submitted as part of all applications. The decision in relation to East Devon was made by a panel of Ofcom decision makers which convened on 26 March 2025. They carefully considered the application and professional advice from Ofcom colleagues. They applied the statutory criteria in reaching their decision on whether to award a licence to the sole applicant. Reasons for their decision to award a licence to ExeDAB are summarised below.

In relation to section 51(2)(a), the applicant proposed using three transmitters to provide its service. Ofcom calculations indicate that this would result in just under 23% of the adult population in the advertised licence area being able to receive the service. Ofcom's coverage predictions indicated that the proposed small-scale radio multiplex service would be available to well under 40% of the population in the licensed area of the overlapping Exeter, Torbay & North Devon local radio multiplex, and there was not predicted to be any coverage overspill outside the advertised area. Ofcom therefore considered no mitigations were required to comply with the overlap and overspill thresholds. Ofcom considered mitigations were likely to be necessary to address outgoing interference towards France, but these were expected to have only a relatively minor impact on coverage, reducing it to approximately 21% of the adult population of the advertised area. Decision makers noted that predicted coverage was low as a percentage of the advertised area and did not extend to several towns in the area. However, East Devon is a very challenging area to cover due to its size and topography, as well as the fact that the population is spread across a number of relatively small towns. The applicant had also stated a desire to avoid covering locations in the Exmouth & Dawlish area (which has recently been advertised and with which East Devon overlaps). The technical plan was expected to cover an adult population of approximately 30,000 with robust coverage of two of the largest towns (Honiton and Sidmouth) in the area, and there were expressions of interest from several services on the basis of that approach. On that basis, decision makers considered coverage sufficient to justify award to the sole applicant.

In relation to section 51(2)(c), Ofcom considered the applicant's financial and business plan, technical plan, the timetable for coverage roll-out, and evidence of relevant expertise and experience. Decision makers noted that the applicant itself had expressed concerns over the viability of a relatively small service in separate correspondence with Ofcom, and there were acknowledged challenges over establishing the multiplex within the statutory period. However, ExeDAB had successfully established the Exeter small-scale multiplex, and participants in the applicant were experienced individuals committed to the radio sector in Devon. Overall, decision makers considered there was sufficient prospect of the service being established within the 18-month period allowed by legislation to justify award to the sole applicant.

In relation to section 51(2)(ca), a participant in the applicant, Sid Valley Radio, intended to provide a service on the multiplex and to that end had already successfully applied for a C-DSP licence. Decision makers noted there was a reasonable prospect of the service being available on the multiplex at launch and, whilst the 5% shareholding was modest, the involvement of this participant was viewed positively.

In relation to section 51(2)(f), Ofcom considered evidence of demand or support from persons providing or proposing to provide community or local digital sound programme services (C-DSP and DSP services) in the advertised area. As well as the prospective C-DSP participant mentioned above, 13 other DSP services had expressed an interest, albeit many of these were services linked to the

applicant itself. In the context of a small area, decision makers noted this represented a good level of support which may help the applicant overcome the acknowledged hurdles it is likely to face in establishing the service.

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

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

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