

Small-scale radio multiplex licence award: Walsall

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Walsall to Walsall DAB 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 Walsall.

By the closing-date of 18 July 2024, Ofcom had received one application for Walsall. This was from Walsall DAB Limited ("Walsall DAB"). 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 Walsall was made by a panel of Ofcom decision makers which convened on 1 May 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 Walsall DAB are summarised below.

In relation to section 51(2)(a), the applicant proposed using one transmitter to provide its service. Ofcom calculations indicate that this would result in just over 75% 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 under 40% of the population in the licensed areas of the overlapping Birmingham and Wolverhampton & Shropshire local radio multiplexes, and overspill outside the advertised area was predicted to be under 30% of the population of the advertised area. Ofcom therefore considered no mitigations were required to comply with the overlap and overspill thresholds. Ofcom also considered that mitigations were unlikely to be necessary to address hole punching or co-channel interference, albeit drive testing would be needed prior to launch to confirm adjacent channel interference remained below threshold levels. Decision makers noted that predicted coverage was good, particularly in the context of a single transmitter plan, including robust coverage of key population centres including Walsall, Bloxwich, Willenhall and Wednesbury.

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 proposal included a single, well-chosen site which reduced the complexity and likely cost of establishing the service, and the application involved individuals with a track record of successfully launching previous small-scale multiplexes. As noted below, participants included a local analogue community radio service with a clear interest in establishing the service. Decision makers therefore had a very good level of confidence that the multiplex would be capable of being established within the 18-month period allowed by legislation.

In relation to section 51(2)(ca), the applicant had as a participant Ambur Community Radio Limited which proposes to provide its existing community radio service as a C-DSP on the multiplex. Decision makers noted that the participant's shareholding was substantial at 45%, and there was a strong prospect of the service being available on the multiplex at launch given it is an existing service within the advertised area.

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 other DSP services) in the advertised area. As well as the participant noted above, two prospective C-DSP services had indicated an interest in providing a service, both being existing online stations for whom a small-scale multiplex represents a good option. There were expressions of interest from 27 other DSP services, including one participant. Decision makers noted that, although inevitably some may not ultimately choose to be carried by the service and there may be capacity constraints if all wanted to do so, this represented an excellent level of demand and support reflecting significant outreach work and providing a strong basis for establishment and longer term viability of the multiplex.

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. Decision makers noted that the strong level of demand noted above reflected positively on outreach work carried out by Walsall DAB.

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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