

Small-scale radio multiplex licence award: Wetherby

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Wetherby to Wetherby Community Radio 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 Wetherby.

By the closing-date of 18 July 2024, Ofcom had received one application for Wetherby. This was from Wetherby Community Radio Limited ("WCRL"). 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 Wetherby 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 WCRL 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 28% 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 Leeds local radio multiplex, and there was predicted to be no population coverage overspill outside the advertised area. Ofcom therefore considered no mitigations were required to comply with the overlap and overspill thresholds. However, Ofcom considered that mitigation was likely to be necessary to address hole punching, and that this would reduce predicted coverage slightly to just over 23%. Decision makers noted that predicted coverage was low, particularly in the context of the small population of the advertised area, meaning the service was likely to be available to an adult population of little more than 7,000. Ofcom considered whether it would be appropriate to award to the sole applicant given considerations of efficient use of spectrum. In this context, decision makers noted that the proposal offered reasonable coverage within the town of Wetherby itself (although not nearby settlements) and that the multiplex would offer a route to digital for the applicant as an existing analogue community service. On balance, they concluded that coverage was sufficient to justify award to the sole applicant in the circumstances.

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 uses the applicant's existing transmitter site and, although this has limitations in terms of coverage achieved as noted above, it also significantly limits the likely cost and complexity of establishing the service. The applicant provided evidence of funding, and the individuals involved have a longstanding commitment to broadcasting in the Wetherby area and interest in establishing the multiplex. Decision makers therefore had a 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), as noted above the applicant provides an existing analogue community service in Wetherby, which it proposes to provide as a C-DSP service. Decision makers noted they therefore had a high level of confidence that the service would be available on the multiplex at launch.

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 applicant's prospective C-DSP service, there was evidence of interest from eleven other DSP services. Whilst decision makers noted that this appeared to represent a good level of demand and support, it appeared discussions were not well advanced, and several DSP services appeared to be targeted on towns other than Wetherby (which is the limit of the extent of predicted coverage). As such, decision makers had limited confidence in

the likelihood of services being available on the multiplex at launch, and it would be important to develop this between award and launch to support the 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.

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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