

Small-scale radio multiplex licence award: Burton-on-Trent & Lichfield

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Burton-on-Trent & Lichfield to Maxxwave 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 10 September 2025, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex services in localities including Burton-on-Trent & Lichfield.

By the closing-date of 10 December 2025, Ofcom had received one application for Burton-on-Trent & Lichfield. This was from Maxxwave Limited (“Maxxwave”). 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 Burton-on-Trent & Lichfield was made at an Ofcom decision meeting on 28 May 2026. The meeting carefully considered the application and professional advice from Ofcom colleagues involved in assessing the application. The statutory criteria were applied to reach a decision on whether to award a licence to the sole applicant. Reasons for the decision to award a licence to Maxxwave are summarised below.

In relation to section 51(2)(a), the applicant proposed using two transmitters to provide its service. Ofcom calculations indicate that this would result in approximately 94% 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 Derbyshire and Birmingham local radio multiplexes (with negligible overlaps with the Coventry, Leicestershire and Stoke-on-Trent multiplexes). Overspill outside the advertised area was predicted to be approximately 172%, which very significantly exceeds the threshold level of overspill being not more than 30% of the population of the advertised area. Ofcom considered that this could be reduced to below 30% through a relatively straightforward power reduction for one of the two proposed transmitters, but this would reduce coverage within the advertised area to just under 72%. Further mitigations were unlikely to be required to address any hole-punching or interference issues. Ofcom considered that, although 72% was materially lower than the pre-mitigation coverage prediction, this nevertheless represented a good level of coverage within the advertised area, including robust coverage of the town of Burton-on-Trent and city of Lichfield, albeit with patchy coverage of Tamworth.

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. Ofcom noted that the technical plan involved two sites which the applicant already leases. This reduces costs and complexity of establishing the service, and the applicant and its sole owner have experience in establishing small-scale multiplexes. Ofcom therefore concluded there was a very good prospect of the service being established within the 18-month period allowed by legislation.

In relation to section 51(2)(ca), Ofcom noted that the applicant does not have as a participant a person proposing to provide a community digital sound programme service in the advertised area. We noted that involvement of such a person is a desirable feature but not a necessity for applicants.

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. The application stated that two prospective C-DSP services and five other prospective DSP services had expressed an interest, although supporting evidence was only provided in relation to three of these services. Ofcom noted that this represents a modest level of demand and support in the context of an advertised area with a significant population, and the limited evidence provided indicates discussions are not well advanced. However, there was potential to build interest in a multiplex given the good level of coverage predicted to be provided by the proposed 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. However, as noted above the relatively low level of demand and support indicated outreach had been limited and it would be important to develop that to ensure the long term viability of the multiplex.

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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