

Reference: 01483355

Katherine Childs  
Information Rights Advisor  
[Information.requests@ofcom.org.uk](mailto:Information.requests@ofcom.org.uk)

08 August 2022

### Freedom of Information: Right to know request

Thank you for your request for information about FM frequencies in the Leicester area. We received this request on 18 July 2022 and have considered it under the Freedom of Information Act 2000 (the "FOI Act").

### Your request

You asked:

*Please reply to the following FOI requests.*

*I know that a number of FM frequencies have "magically" appeared since the 2017 Leicester round.*

*Therefore please supply the following information:*

- 1. When (date) were 91.0, 94.1 and 95.4 "discovered" to be suitable for broadcasting in Leicester.*
- 2. Details (date) of ALL FM frequencies "discovered" to be serviceable for broadcasting in the Leicester area*
- 3. What other frequencies does Ofcom consider are available on FM in Leicester? We know there was at least one additional frequency identified in the October 2017 round that has not yet been used in the Leicester area.*
- 4. Why were these frequencies deemed "unsuitable" in the October 2017 licensing round.*
- 5. Has Ofcom changed the algorithm or process to make these numerous frequencies available that were not available in October 2017?*

6. Using the thresholds used on 91.0, 94.1, 95.4 and the frequencies in use in Leicester we believe there are enough FM frequencies to support at least 10 new FM stations in Leicester. Is this unique to Leicester or do other major metropolitan areas also have this number of frequencies?

7. We have analysed the number of community FM license applications in the Leicester area and find that, per capita, there have been more FM license applications in Leicester than anywhere else in the UK. What analysis has Ofcom undertaken into FM spectrum demand and availability around the UK?

8. When does Ofcom intend to conduct the next FM licensing round in the Leicester area?

## Our response

I can confirm that Ofcom holds some information in scope of your request and our response is detailed below to each question.

1. *When (date) were 91.0, 94.1 and 95.4 "discovered" to be suitable for broadcasting in Leicester.*

The availability of frequencies in an area is determined at the time of frequency planning, as it is affected by a number of factors, including the intended use, the proposed transmitter site details and surrounding frequency usage by other licensed services. Ofcom considers what FM frequencies can be used for on a case-by-case basis as appropriate. In relation to two of the three frequencies you mention, it is not possible to give precise details of the occasions and basis upon which we have identified them as available because to do so would involve the disclosure of information relating to specific businesses, the disclosure of which is prohibited by section 393 of the Communications Act 2003. As such, the information is exempt from disclosure under s.44 of the FOI Act. 94.1 MHz was identified as a limited coverage frequency at the time of planning for RSL usage in Leicester, on 9 September 2021, and is not suitable for Community Radio.

2. *Details (date) of ALL FM frequencies "discovered" to be serviceable for broadcasting in the Leicester area*

We have taken this question to refer to the usability of frequencies for community radio services. At the time of the last licensing round for community radio in Leicester, we identified two frequencies available. These were 95.0 MHz (awarded to Radio2Funky FM) and 98.7 MHz (not awarded). Subsequent to that, 107.5 MHz became available when Demon FM returned its licence and that is currently in use by LCR for a long term RSL.

3. *What other frequencies does Ofcom consider are available on FM in Leicester? We know there was at least one additional frequency identified in the October 2017 round that has not yet been used in the Leicester area.*

Ofcom does not hold this information. We would need to undertake another planning study to determine what frequencies might currently be available for different types of broadcasting service.

4. *Why were these frequencies deemed "unsuitable" in the October 2017 licensing round.*

As mentioned in our response to your question 8 in your previous FOI request number 01379781 dated 13 December 2021, we considered that there were 2 frequencies available for community radio in Leicester at the time of the 2017 licensing round. This was based on our analogue coverage radio policy ([Coverage and planning policy for analogue radio broadcasting services - Ofcom](#)) and the associated parameters and models.

5. *Has Ofcom changed the algorithm or process to make these numerous frequencies available that were not available in October 2017?*

No, we have not. Our analogue coverage radio policy ([Coverage and planning policy for analogue radio broadcasting services - Ofcom](#)) and the associated parameters and models continue to be used for analogue radio planning. However, we have additionally introduced a new planning approach for RSLs for establishments and specific locations ([Statement: Restricted services – proposals to increase available spectrum and simplify our approach to licensing - Ofcom](#)) that enables additional very small pockets of FM spectrum to be made available for services that run at low power and can use frequencies susceptible to higher levels of interference.

6. *Using the thresholds used on 91.0, 94.1, 95.4 and the frequencies in use in Leicester we believe there are enough FM frequencies to support at least 10 new FM stations in Leicester. Is this unique to Leicester or do other major metropolitan areas also have this number of frequencies?*

Ofcom does not hold this information.

7. *We have analysed the number of community FM license applications in the Leicester area and find that, per capita, there have been more FM license applications in Leicester than anywhere else in the UK. What analysis has Ofcom undertaken into FM spectrum demand and availability around the UK?*

The way Ofcom assesses demand for broadcast spectrum is by opening rounds for licensing broadcast services. For Community Radio, the last time we did a full round of licensing was in 2017. As described above, availability of spectrum for different services depends very much on the nature of the service, the intended transmission site and parameters, and local frequency use. We do not hold any information on spectrum availability around the UK.

8. *When does Ofcom intend to conduct the next FM licensing round in the Leicester area?*

Ofcom does not hold this information.

If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Katherine Childs

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5A