

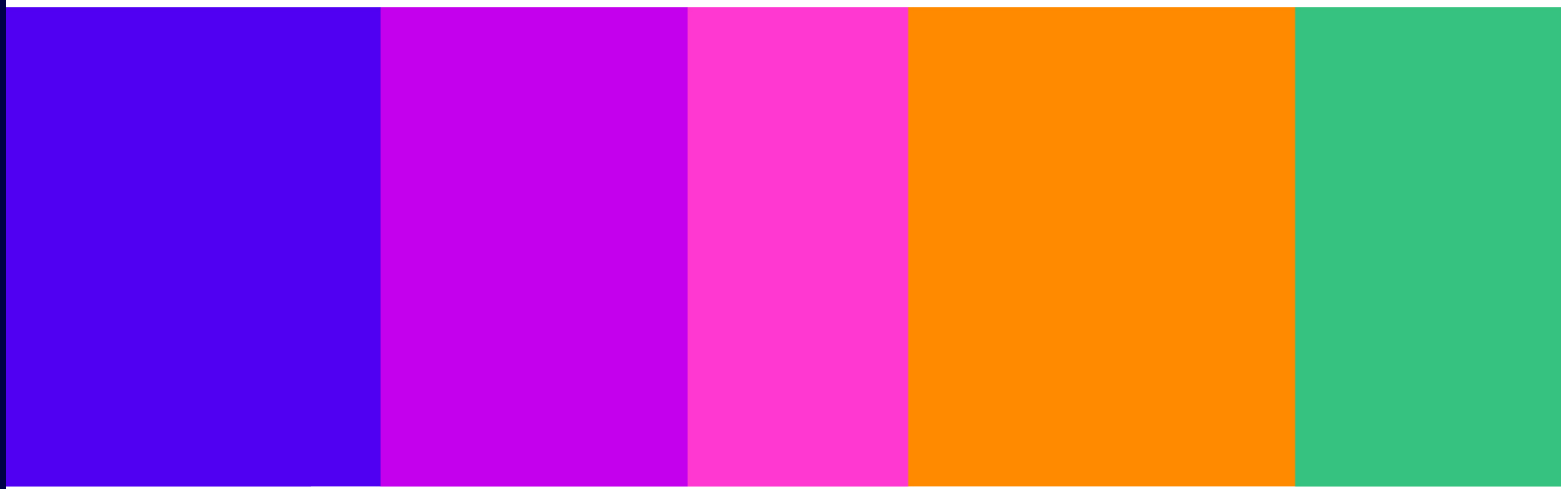
Small-scale DAB coverage change: Winchester

Consultation on request to vary the licensed area of the Winchester small-scale radio multiplex

Consultation

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1. Overview

- 1.1 This document seeks views on a request to change the area to be served by the Winchester small-scale radio multiplex service. A radio multiplex service is the means by which DAB digital radio stations are broadcast. Ofcom is required to consult before deciding whether to agree to such a request.
- 1.2 This document is the consultation, and includes questions to help respondents frame their responses. The closing-date for responses to this consultation is **Tuesday 30 January 2024**.

What we are proposing – in brief

We are minded to exercise our discretion under section 54A(2) of the Broadcasting Act 1996 (as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019) to approve an application from Winchester DAB Limited to vary the small-scale radio multiplex licence for Winchester so as to change the area within which the service is required to be available.

2. Process for changing a radio multiplex licence area

Licence areas for small-scale radio multiplexes

- 2.1 Small-scale radio multiplex licences are granted by Ofcom principally to enable the provision of community and local digital sound programme services on the DAB (Digital Audio Broadcasting) platform. The statutory basis for licensing small-scale radio multiplexes is set out in the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019 (the “Broadcasting Act”).
- 2.2 The holder of a small-scale radio multiplex licence is responsible for, among other things, delivering its service in accordance with a technical plan agreed by Ofcom prior to grant of the Broadcasting Act licence. The technical plan contains details of the transmitter site(s) from which the multiplex service is broadcast, and other technical details such as power levels and aerial patterns etc.
- 2.3 For small-scale radio multiplexes, the technical plan effectively defines the licensed area of the service. Ofcom publishes coverage maps showing the coverage and therefore extent of the licensed areas for such services. It should be noted these are indicative only, based on computer models rather than actual measurement, and on a defined predicted signal level deemed sufficient to qualify as “receivable”. They are subject to some variation due to possible interference from other services and seek to estimate in-building coverage only. Nevertheless, such models provide a reasonable estimate of coverage achieved by the technical plan appended to a licence.

Statutory framework for variations

- 2.4 Under section 54A(2) of the Broadcasting Act, Ofcom is able to vary a small-scale radio multiplex licence by—
 - a) varying the frequency on which the licensed service is required to be provided,
 - b) reducing the area or locality in which the licensed service is required to be available, or
 - c) extending that area or locality to include an adjoining area or locality.
- 2.5 Section 54A(3) and (4) further specify that Ofcom must have received an application for the variation from the licence holder, and that this application must include a technical plan relating to the service proposed to be provided under the licence indicating, in particular—
 - a) the area or locality which would be within the coverage area of the service,
 - b) the timetable in accordance with which that coverage would be achieved, and
 - c) the technical means by which it would be achieved.
- 2.6 Under section 54(5), before deciding whether to grant the application, OFCOM must publish a notice specifying—
 - a) the proposed variation of the licence, and
 - b) a period in which representations may be made to OFCOM about the proposal.
- 2.7 Finally, section 54(7) states that Ofcom may vary a licence in accordance with an application, *“only if they are satisfied that doing so would not unacceptably reduce the number of*

community or local digital sound programme services available to persons living in the area or locality for which, before the proposed variation, the small-scale radio multiplex service is required to be available.”

Policy framework for variations

- 2.8 Whilst the above sets out the statutory framework for variations, section 54A(2) provides Ofcom with a discretionary power. That is, it can give approval if the statutory conditions are met but is not required to do so.
- 2.9 For all requests to change transmission arrangements, Ofcom will not give its approval unless it is satisfied in relation to all the following technical requirements:
- a) Overlap with any relevant local multiplex(es) remains not greater than 40% (in line with the policy intention of section 50(2A)(c) of the BA1996 to limit such overlaps).
 - b) Any international constraints are adhered to.
 - c) There is no significant increase in the level of interference to multiplexes elsewhere.¹
- 2.10 Ofcom will also consider:
- a) Whether the reason(s) for making the change is adequately supported by evidence. In particular, we would not normally approve a reduction in coverage unless continuing with the current technical plan is demonstrably not feasible, and feasibility cannot reasonably be achieved through less impactful means.
 - b) Whether there is evidence the licensee has taken reasonable steps to minimise any adverse impacts from changes to its coverage, and that any changes in coverage involving coverage reduction or extension into the coverage area of neighbouring small-scale multiplexes are unavoidable. This should include an indication of all other sites that were investigated and any reasons for selecting a preferred site.
 - c) Whether any increase of overlap (or new overlaps) with the coverage of other small-scale radio multiplex services is excessive. Whilst some overlap between small-scale multiplexes is inevitable, and changes to transmission arrangements may alter this overlap, in general we would consider this should represent no more than a small proportion of the other multiplex’s coverage (if on-air) or polygon (if not yet launched, or yet to be advertised), and extending coverage to a material extent into a key population centre served by a launched or planned small scale multiplex service should be avoided.
- 2.11 Ofcom will have regard to the following additional criteria when determining whether to vary the licence:
- a) whether the change in transmission arrangements would be calculated to maintain or promote the development of digital sound broadcasting otherwise than by satellite;
 - b) whether the licensee’s proposed coverage plan is satisfactory;
 - c) whether the licensee has the ability to maintain the licensed service; and
 - d) whether there are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplex and the rights and interests of other multiplex operators (and the stations they carry).

¹ For on-air multiplexes elsewhere, this means no significant impact to their actual coverage. For polygon areas that have not yet been advertised, or small-scale multiplexes where a licence has been awarded but not yet granted, this means ensuring there is no significant impact when considering the entire population in the polygon area as at initial assessment.

e) Any other factors that appear relevant to the particular case.

3. The variation request

Winchester small-scale radio multiplex

- 3.1 The licence to provide the Winchester small-scale multiplex was awarded to UK DAB Networks Limited (which later changed its name to UK DAB Networks (Operations) Limited) in March 2021. The licence was granted and the service came on air in September 2022. The original licensee went into voluntary liquidation on 9 November 2023.
- 3.2 The broadcast assets of UK DAB Networks (Operations) Limited were subsequently acquired from the liquidator by Winchester DAB Limited, and the licence was transferred, following application to Ofcom, on 22 November 2023. Whilst the new licensee initially continued to broadcast according to the technical plan appended to the licence, Winchester DAB Limited was unable to negotiate continued use of the existing transmission site with its owner and the service ceased broadcasting on 24 November.
- 3.3 Winchester DAB Limited has applied to vary its licence under section 54A of the Broadcasting Act, and has provided a revised technical plan in accordance with sections 54A(3) and (4).
- 3.4 Notwithstanding that the service has ceased, the appropriate comparison for the purposes of assessment remains between the service as required by the existing licence (i.e. with the existing technical plan) and the proposed technical plan.
- 3.5 Annex 1 sets out a comparison between the coverage required by the existing licence, and that which Ofcom assesses would be achieved by the revised technical plan proposed by the applicant. In brief, the revised technical plan proposes using a new transmitter site which is predicted to provide a net increase in coverage of around 10,000 people compared to the currently licensed coverage area. While this represents a substantial overall increase in coverage, around 8,500 people who were originally served by the Winchester multiplex would not be covered under the revised plan. The areas where coverage would be lost include parts of Winchester itself and some outlying areas. However previously unserved areas including parts of Eastleigh would be covered by the multiplex under the revised plan.
- 3.6 Section 7 of Ofcom’s [Guidance Notes](#) for small-scale multiplex applicants and licensees sets out our approach to considering requests for changes to the coverage of existing small-scale radio multiplexes. Having regard to the criteria set out in the guidance note, we consider that it is appropriate to consult on the licence variation request for Winchester given that the request:
- i) would involve providing new coverage (primarily in the Eastleigh area) which we consider would constitute an extension to an adjoining area, and
 - ii) would lead to coverage losses which, given their magnitude and location, we consider to be significant.

Preliminary view

- 3.7 Ofcom considers the application received meets the technical requirements as to content set out in section 54A(3) and (4) of the Broadcasting Act.

- 3.8 In relation to the statutory requirements in section 54A(7), Ofcom notes that, whilst the proposed change results in a *net* increase in coverage amounting to an adult population of approximately 10,000, this involves increases in some areas and reductions in others. The changed site means around 8,500 people in and around Winchester would lose coverage compared with the current licensed area. In the context of a multiplex covering a relatively low population of around 56,000, this is a material loss. Ofcom provisionally considers this would reduce the number of community or local digital sound programme services available to persons living in the area or locality compared with what is currently *required* under the licence (albeit not actually provided given the circumstances described above).
- 3.9 However, the statutory provision requires consideration of whether this is “unacceptable”. The acceptability of a loss is not simply a matter of the number of households affected but the circumstances of the particular case. In this case, Ofcom notes that the previous operator had gone into liquidation and agreement on continuation with the site operator had not proved possible. Continuation with the licensed service did not appear viable and, in the absence of an alternative site, Ofcom considers the licence was likely to be surrendered or revoked. Whilst there is loss of coverage, including in Winchester itself, and this is disappointing for services aimed at the city itself, Ofcom’s provisional view is the applicant has genuinely sought to minimise these and the reduction is acceptable.
- 3.10 In relation to policy considerations, Ofcom provisionally considers all technical requirements referred to in paragraph 2.9 above are met and, on balance having considered the matters in paragraphs 2.10 and 2.11, that it would be appropriate to exercise our discretion to vary the Winchester licence in accordance with the application.
- 3.11 In so doing, Ofcom has considered coverage extensions as well as reductions. In particular, Ofcom notes that the revised technical plan involves extending coverage to a population of around 18,000, with two-thirds of these being outside the originally advertised area for the Winchester licence. Most of these are in the Eastleigh area, which is within the area advertised for the Southampton small-scale multiplex licence (which has been awarded but the service has not yet launched). As noted above, Ofcom seeks to avoid excessive overlaps between small-scale multiplexes and material extensions into localities served by existing or planned small-scale multiplexes. In the circumstances of this case, Ofcom’s provisional view is the overlap is not excessive. The population of the area advertised for Southampton was large at approximately 437,000 (albeit the service as launched would be unlikely to reach that level), coverage of the Winchester multiplex into that area would be relatively low, and we are satisfied that steps have been taken to minimise this through use of a directional antenna.

Next steps

- 3.12 Ofcom is seeking views on whether the request from Winchester DAB Limited satisfies the requirements of section 54A of the Broadcasting Act and, if it does, whether it is appropriate for Ofcom to approve the application in light of the policy considerations set out above.

A1. Proposed change

- A1.1 The licensee is proposing use of a different transmitter site located approximately 200 metres from the currently licensed site. The proposed site is somewhat lower, so the licensee is proposing an increase in transmitter power in order to maintain coverage.
- A1.2 A summary of the currently licensed and proposed coverages is given below, together with a comparison of the coverage provided by each plan, and population counts of the adults (aged 15+) within the areas.
- A1.3 The coverage maps indicate where the small-scale radio multiplex service should be receivable on a DAB digital radio within a typical domestic building².
- A1.4 However, please note the following caveats:
- a) The maps are based on computer predictions rather than actual measurements, so are indicative only.
 - b) 'Receivable' is based on the defined signal level required by a receiver that meets the minimum receiver specification (available here: [Minimum specifications for DAB and DAB+ personal and domestic digital radio receivers: Digital radio action plan report - GOV.UK \(www.gov.uk\)](#), although that may not be adequate for receivers built to a poorer sensitivity, or be sufficient in every location.
 - c) The maps do not take account of any interference from other DAB digital radio services. The likelihood of any such interference will increase as more DAB services are launched, but Ofcom will seek to reduce the impact as far as is reasonably practicable.
 - d) The maps do not show where reception outside homes (e.g. along roads) may be possible.

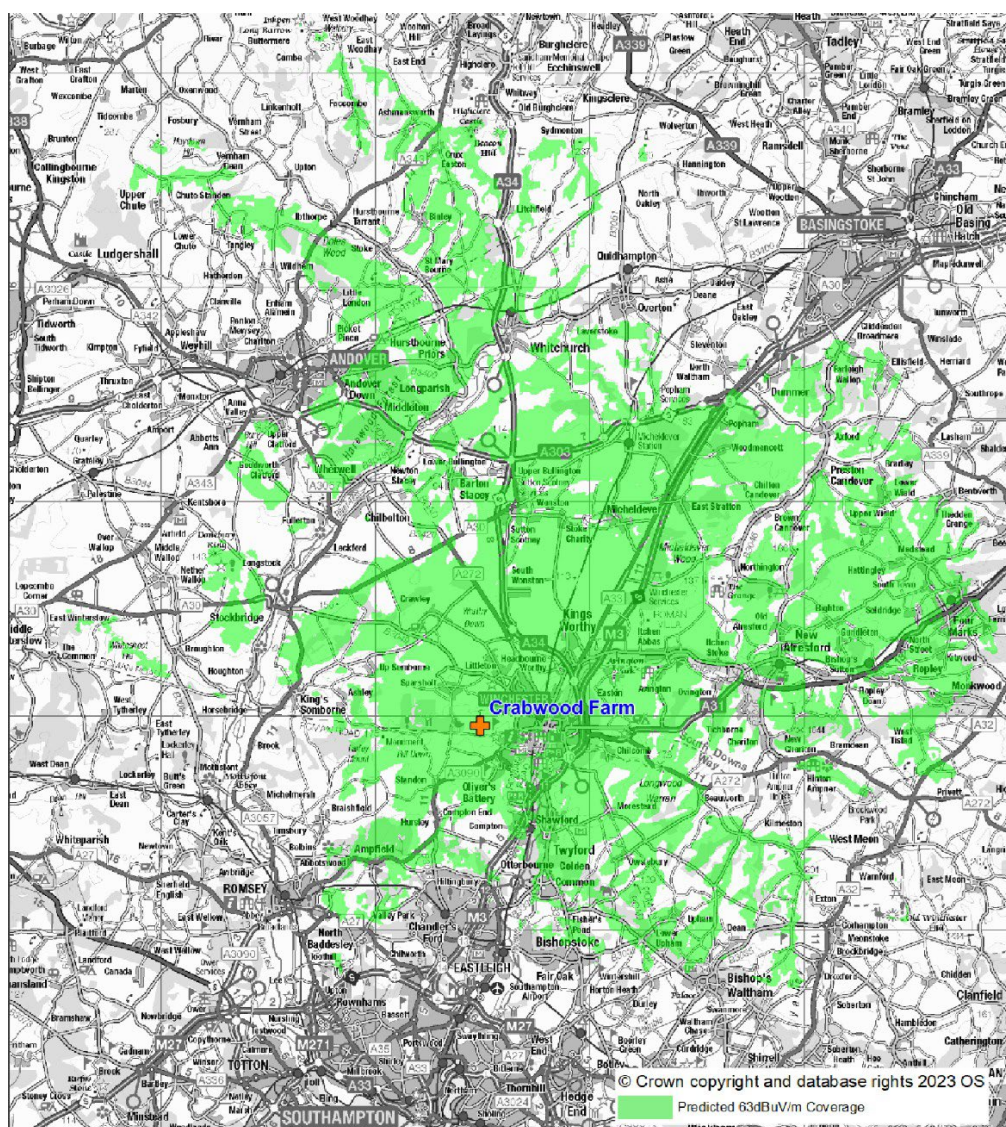
² The areas classed as served are where we predict a field strength of at least 63dBµV/m at 10m above ground level, which corresponds to providing a service at 80% location probability and 50% time availability, as set out in our [Technical policy guidance for DAB multiplex licensees \(ofcom.org.uk\)](#)

Coverage required by current licence

Currently licensed transmitter details

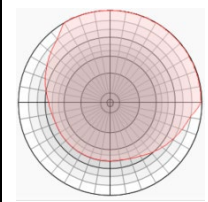
Transmitter site name	National grid reference	Site height	Power	Antenna height	Antenna pattern
Crabwood Farm	SU449295	158m	300W	40m	

Map of currently licensed coverage

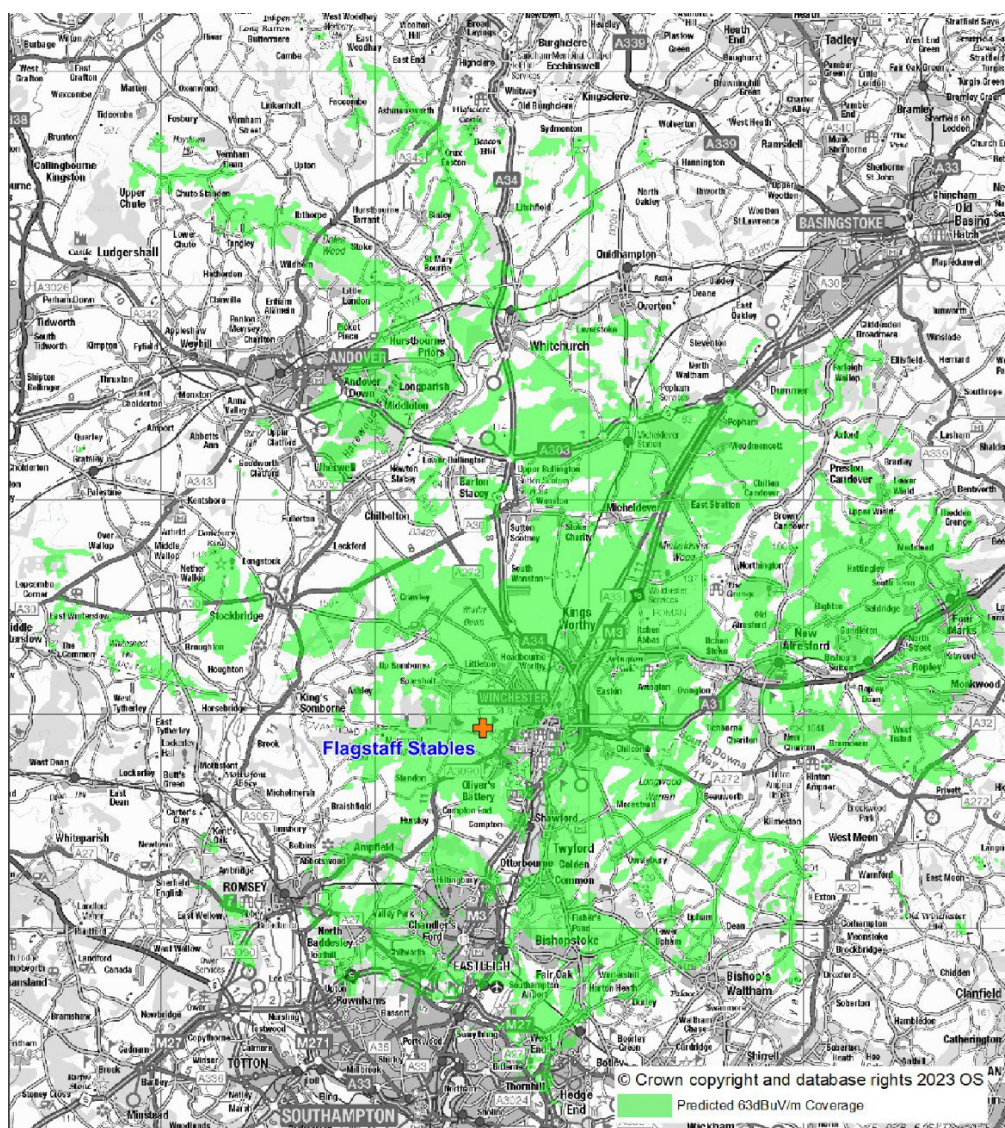


Coverage proposed by the licensee

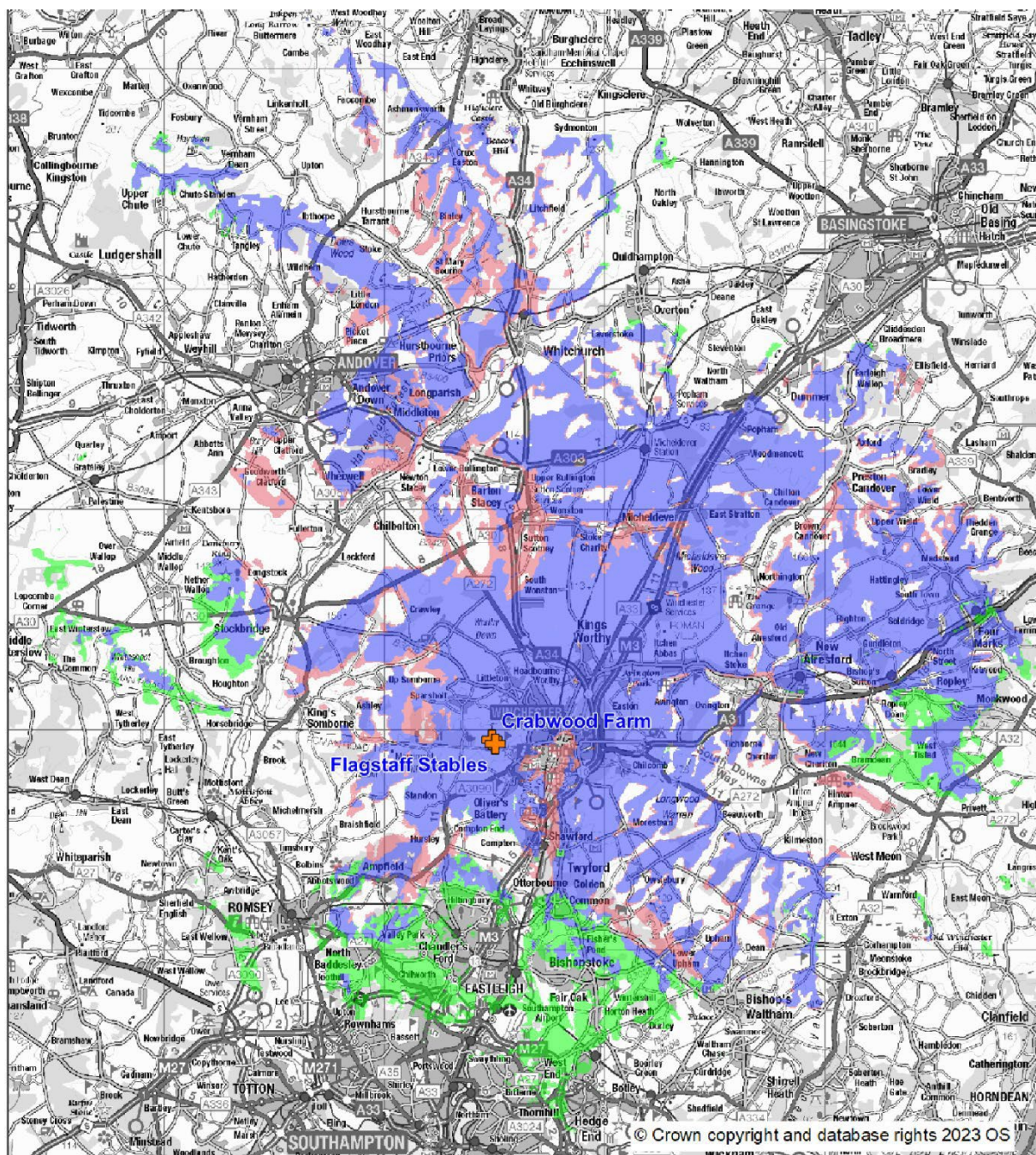
Proposed transmitter details

Site name	National grid reference	Site height	Power	Antenna height	Antenna pattern
Flagstaff stables	SU450294	150m	400W	15m	

Map of proposed coverage



Comparison of coverage



Map key:

Blue = retained coverage

Red = areas served only by currently licensed coverage

Green = areas served only by the proposed coverage plan

Coverage shown is for predicted indoor coverage (63dBµV/m at 10m above ground level)

Coverage summary table (adults 15+)

Population served by currently licensed coverage	56,003
Population served by proposed coverage	65,729
Net population change	+9,726
Population retained (blue areas)	47,493
Population gained (green areas)	18,236
Population lost (red areas)	8,510

A2. Impact assessments

Impact assessment

- A2.1 Section 7 of the Communications Act 2003 requires that, where we are proposing to do anything for the purposes of, or in connection with, the carrying out of our functions, and it appears to us that the proposal is important, we are required to carry out and publish an assessment of the likely impact of implementing the proposal, or a statement setting out our reasons for thinking that it is unnecessary to carry out such an assessment.
- A2.2 If we decide to approve the request, the changes would affect the small-scale multiplex service, and could affect the delivery of on-air social gain to some members of the community. Further information about specific groups who could be affected can be found below.

Section 3(4) of the Communications Act 2003

- A2.3 Ofcom is required by section 3(4) of the Communications Act 2003 to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include, inter alia, different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas.
- A2.4 If we approve the request, there will be reduced coverage by the multiplex service, principally in parts of Winchester compared with the service currently required to be provided. The multiplex is required to provide capacity for community digital sound programme services, a characteristic of which is that they are provided for the good of members of the public or particular communities, and social gain within the locality. Commercial digital sound programme services do not have requirements in relation to social gain, but it is recognised that some have a particular community focus and in practice provide a benefit to listeners.
- A2.5 As such, if compared with what the licence currently requires, we consider this would amount to an adverse impact. However, we consider the more appropriate counterfactual is that the Winchester licence would be surrendered (and indeed it is currently not on air). With that comparator, there would be benefits for groups specified in section 3(4). Whilst the licence may be readvertised at a later date, this would result in no service being provided for a considerable period of time, and there is no guarantee a future advertisement would attract applications or achieve equivalent population coverage. Further, approving the request would also extend coverage in some areas and overall.

Public sector equality duties

- A2.6 Ofcom is required by the Equality Act 2010 to assess the potential impact of all its functions, policies, projects and practices on the following equality groups: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Equality Impact Assessments (EIAs) also assist us in making

sure that we are meeting our principal duty of furthering the interests of citizens and consumers regardless of their background or identity.

- A2.7 As set out above, community digital sound programme services in particular are intended to provide social gain and often explicitly identify equality groups as being within the community intended to benefit. As such, if compared with what the licence currently requires, we consider this would amount to an adverse impact in reducing scope to provide and receive services benefiting equality groups. However, as set out above, we consider the more appropriate counterfactual is that the Winchester licence would be surrendered. Further, approving the request would also extend coverage in some areas and overall.

A3. Consultation questions

Question 1: Should Ofcom exercise its discretion to consent to the application to vary the Winchester small-scale multiplex licensed area, with regard to the statutory and policy considerations set out in this document?

Question 2: With reference to our impact assessment, do you agree with our assessment of the potential impacts of approving this application?

A4. Responding to this consultation

How to respond

- A4.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on Tuesday 30 January 2024.
- A4.2 You can download a response form from https://www.ofcom.org.uk/_data/assets/file/0028/273916/consultation-response-form.odt. You can return this by email or post to the address provided in the response form.
- A4.3 If your response is a large file, or has supporting charts, tables or other data, please email it to smallscaleDAB@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet.
- Responses may alternatively be posted to the address below:
- Winchester SSDAB consultation
Broadcast Licensing team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A4.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A4.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A4.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A4.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A4.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 3. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A4.9 If you want to discuss the issues and questions raised in this consultation, please contact Jon Heasman by email to jon.heasman@ofcom.org.uk.

Confidentiality

- A4.10 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A4.11 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A4.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A4.13 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A4.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A4.15 Following this consultation period, Ofcom plans to publish a statement in February 2024.
- A4.16 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A4.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex A5.
- A4.18 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A4.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
- A4.20 Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A5. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

A5.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

A5.2 We will be clear about whom we are consulting, why, on what questions and for how long.

A5.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.

A5.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.

A5.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.

A5.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

A5.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A6. Consultation coversheet

Basic details

Consultation title: Small-scale DAB coverage variation request - Winchester

To (Ofcom contact): Broadcast Licensing team

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- Nothing
- Name/contact details/job title
- Whole response
- Organisation
- Part of the response

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes No

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)
