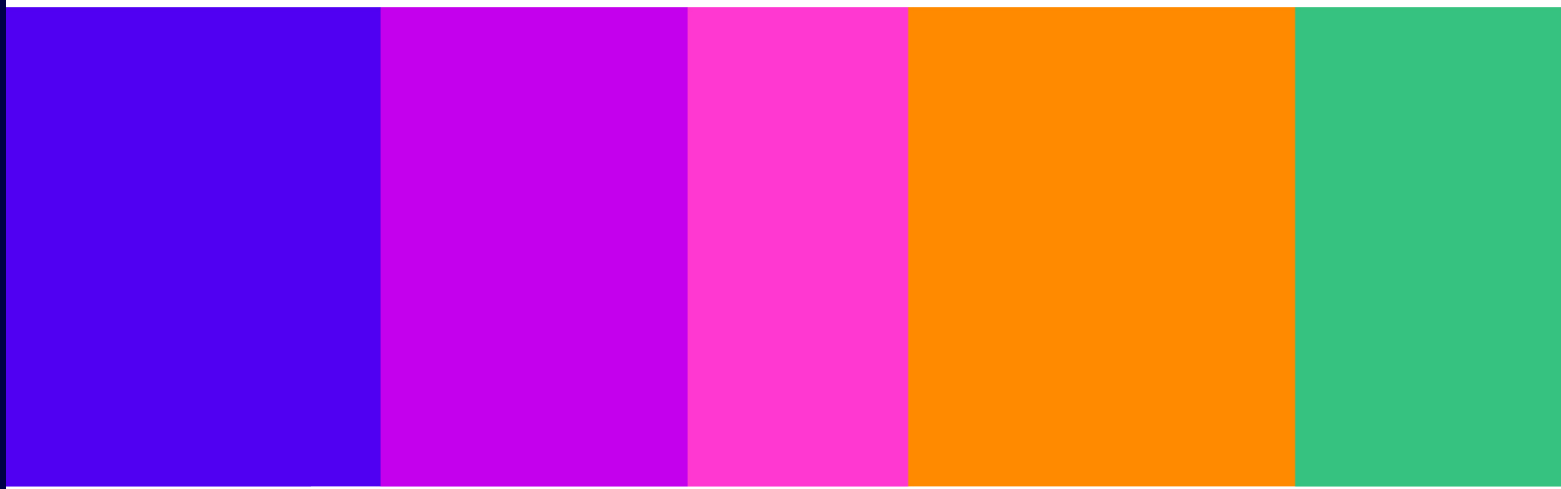


Small-scale DAB coverage change: Bradford

Request to vary the licensed area of the
Bradford small-scale radio multiplex

Statement

Published: 29 February 2024



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1. Overview

- 1.1 This document sets out Ofcom’s decision on a request to change the area to be served by the Bradford small-scale radio multiplex service. A radio multiplex service is the means by which DAB digital radio stations are broadcast.
- 1.2 Ofcom is required to consult before deciding whether to agree to such a request. We did so in a consultation that closed on 08 February 2024, and our decision takes account of consultation responses received. The overview section of this document is a simplified high-level summary only. The decision we have taken and our reasoning are set out in the full document below.

What we have decided – in brief

We have decided 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 Bradford Digital Media Limited to vary the small-scale radio multiplex licence for Bradford 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 multiplex services 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 multiplex services, the technical plan effectively defines the licensed area of the service. The licensed area is the area which the multiplex service is licensed to cover (and within which its transmissions will be protected from interference). 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 can 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, we can give approval if the statutory conditions are met but we are 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;

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 protecting the entire population in the polygon area as at initial assessment.

- c) whether the licensee has the ability to maintain the licensed service;
- 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); and
- e) any other factors that appear relevant to the particular case.

3. The variation request

Bradford small-scale radio multiplex

- 3.1 The licence to provide the Bradford small-scale radio multiplex service was awarded to Bradford Digital Media Limited (“Bradford Digital Media”). The licence was granted and the service came on air in January 2023.
- 3.2 The service is provided by a network of three transmitters at Eccleshill, Undercliffe and Baildon. In September 2023, the owner of the building upon which the Eccleshill transmitter is located gave Bradford Digital Media notice that the building was being sold and would be redeveloped, and that power would be removed possibly as soon as December 2023.
- 3.3 Following the notice to quit, Bradford Digital Media has identified a replacement transmitter site at Northcote, and has applied to vary its licence under section 54A of the Broadcasting Act, and provided a revised technical plan in accordance with sections 54A(3) and (4).
- 3.4 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 reduction in coverage of around 8,000 people compared to the currently licensed coverage area. Around 35,000 people who were originally served by the Bradford multiplex would not be covered under the revised plan. The areas where coverage would be lost include parts of Shipley, Baildon and Guiseley, as well as Horsforth and patches of coverage in Leeds. Some of these areas are also served by the Leeds small-scale radio multiplex that offers a similar range of radio services, and is predicted to be available to approximately 19,000 of the adults losing coverage from Bradford. In addition, the replacement transmitter site would provide coverage to 28,000 adults in parts of Bradford itself that are currently predicted not to be served by the Bradford small-scale radio multiplex service.
- 3.5 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 considered it appropriate to consult on the licence variation request for Bradford given that the request:
 - would involve an overall reduction (in terms of population coverage) in the area or locality in which the licensed service is required to be available, and
 - would lead to coverage losses which, given their magnitude and location, we consider to be significant.

Preliminary view

- 3.6 Our consultation on the change request dated 11 January 2024 explained that Ofcom considered the application received met the technical requirements as to content set out in section 54A(3) and (4) of the Broadcasting Act.
- 3.7 In relation to the statutory requirement in section 54A(7), Ofcom noted that the proposed change results in a *net* decrease in coverage amounting to an adult population of approximately 8,000, and this involves increases in some areas and reductions in others. The

changed site means around 35,000 people who are mostly outside Bradford would lose coverage compared with the current licensed area. In the context of a multiplex covering 323,000 people, this is a material loss. Ofcom provisionally considered 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.

- 3.8 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 noted that the licensee has provided evidence that it has been served with relatively short notice by the owner of the site where the Eccleshill transmitter is located, and that provision of the licensed service from that site beyond January 2024 does not appear possible. The licensee has identified the proposed replacement transmitter at Northcote which is located only 500m from the current Eccleshill site, although due to the intervening terrain, the coverage that would be achieved by Northcote would be somewhat different. The licensee is proposing to increase the power at Northcote compared with the current power at Eccleshill with a view to minimising any coverage changes. The licensee has also provided evidence of its efforts to minimise the impact of coverage changes through consideration of eight alternative transmitter sites. The alternative sites were deemed less suitable due to offering inferior coverage or access to site could not feasibly be arranged due to other reasons, such as unwillingness from owners to accommodate a DAB transmitter on their site.
- 3.9 Whilst the revised plan results in a loss of coverage, most of the affected areas lie to the north-west of Bradford, and towards Leeds. Of the 35,000 people predicted to lose access to the Bradford small-scale radio multiplex service, 19,000 are predicted to be able to receive the Leeds small-scale radio multiplex service instead. It is also notable that, of the 14 programme services currently broadcasting on the Bradford small-scale multiplex, only four are not also carried on the Leeds small-scale multiplex.
- 3.10 While the loss of coverage is disappointing for affected listeners, Ofcom’s provisional view was that the applicant has genuinely sought to minimise these losses and the reduction is acceptable.
- 3.11 In relation to policy considerations, Ofcom provisionally considered all technical requirements referred to in paragraph 2.9 above to have been 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 Bradford licence in accordance with the application.
- 3.12 In so doing, Ofcom has considered coverage extensions as well as reductions. In particular, Ofcom noted that the revised technical plan involves extending coverage to a population of around 28,000 people, almost all of whom lie within, or close to the advertised area for the Bradford licence. We were therefore satisfied that the increase in coverage would not constitute an extension into an adjoining area.

Consultation responses and Ofcom assessment

- 3.13 Ofcom received nine responses to the consultation. Of these, three supported our preliminary view and six were opposed.
- 3.14 The three responses in favour of the change came from the operators of other small-scale DAB multiplexes in the UK.

- 3.15 Bristol Digital Radio CIC and Severnside Digital Radio CIC both suggested that “reasonable flexibility is required to allow operators to adjust their costs to make their licences sustainable.” Recognising that Bradford Digital Media had only been served with a short notice period, the two Bristol multiplex operators observed that “accepting shorter lease terms can dramatically improve the ability of the licensee to secure affordable [transmission] sites.”
- 3.16 Viamux Limited also believed that Ofcom should exercise its discretion to vary the Bradford licence area. However, with a view to precedent for any future variations elsewhere in the country, it argued that the impact assessment did not address all issues in the application and, in particular, should have taken into account: (i) overlap between the amended licence area and other licence areas; and (ii) the impact of changes in the licence area on current and future C-DSP providers who find themselves outside the licence area (noting the requirement for C-DSP licence holders to have a studio in the area).
- 3.17 In relation to Viamux’s first point, Ofcom considers that this impact was appropriately addressed in the preliminary view insofar as it is relevant to the position in Bradford, and notes that it forms part of the policy framework set out above. In particular, it was noted that a significant proportion of the population who would lose coverage under the proposed change would still have coverage from the Leeds small-scale multiplex and, given the extent of the overlap between services carried by the two multiplexes, this would mitigate the adverse impact on those households (as they would still receive those services carried by both multiplexes).
- 3.18 On Viamux’s second point, in relation to existing C-DSP licensees, paragraph 4.35 of Ofcom’s guidance notes for C-DSP licence applicants makes clear that, “Once a licence is granted, the Licensee will not be in breach of [the studio location] requirement if an existing studio ceases to fall within the coverage area merely as a result of technical changes by the radio multiplex service”. As such, whilst there is an impact on communities served by such services, and this impact was addressed in Ofcom’s preliminary view, there is not an impact on the status of an existing, licensed C-DSP service. In relation to future services, the change may lead to some marginal change in the area where a studio may be located for such a service, albeit that our published guidance states that, “we would exercise sensible levels of discretion where a studio is just marginally out of the coverage area but is still clearly locally based”. In any event, however, our impact assessment noted the adverse impact of reduced coverage.
- 3.19 Six respondents to the consultation opposed changing the licence as proposed. In summary:
- M. Ramzan argued that it was unfair to allow changes as this would allow an applicant to promise to cover an area with the intention of applying to reduce that area later, undermining the integrity of the original competition. The same individual alleged discrimination by the existing licensee in relation to the level of carriage charges.
 - The Asian Broadcasters and Journalists Association said the licence should be cancelled entirely due to it having “no credible local radio [services] on it”, and that Bradford was being “short-changed” compared with the original licence application.
 - Bradford Multiplex Broadcasting Corporation (which had applied for the Bradford small-scale multiplex licence when originally advertised in 2021) said the existing licensee had, “failed to uphold the commitments made during the application process” and that the existing service, “does not include any of the main local

community radio stations.” It also argued that coverage should not be reduced, to maintain the integrity of the original licensing process.

- Bradford Asian Radio also noted a number of community radio services not currently carried by the multiplex, and some services which had been listed in the original application but were not on air. The respondent expressed concern that the request to change coverage was merely a way to cut costs, and argued the licence should be revoked.
- A respondent who preferred to remain anonymous expressed concern over loss of coverage in areas of Shipley, Baildon and Guiseley. The respondent argued the change would disadvantage other applicants in the 2021 licence award process, would undermine the integrity of that process and, “perpetuate an unjust environment”.
- Mahir Khan expressed concern as a listener regarding signal strength and reduced listening choice on the outskirts of Bradford in particular.

3.20 In relation to the points raised by several respondents in relation to the integrity of the original licence award process and reasons for proposing the change, Ofcom recognises the importance of applications reflecting the intentions of the applicant. However, it is also important to recognise that circumstances change over time, and to note that the clear intention of the statutory framework is to allow licensees to apply for changes, including changes reducing the area where a multiplex service is required to be available. As set out above, an application would only be approved if it meets the statutory criterion and Ofcom considers it appropriate to exercise its discretion to approve in light of the policy framework. In this case, the applicant has provided evidence that the landowner of its current transmitter site has given notice requiring it to leave, and it is not credible to suggest the licensee could have been aware of this at the time of application in 2021. It has also found a replacement site nearby, and proposed an increase in power level to mitigate coverage impact. Whilst the impact of the change on those no longer receiving coverage is disappointing, Ofcom is satisfied that application represents a genuine attempt to address the issue of an existing site becoming unavailable in a way that minimises, but does not remove, the impact on coverage. We therefore do not consider approving the change request would undermine the integrity of the licence award process.

3.21 Regarding the fact, mentioned by several respondents, that the current multiplex does not carry some analogue community radio services that broadcast to the Bradford area, Ofcom does not consider this to be directly relevant to the decision in this case. Clearly, the change proposed does not have an impact on the availability of those services that are not carried by the multiplex, albeit it does change the area within which those services would be available were they to reach agreement on carriage terms at a later date. Insofar as respondents make allegations that the existing multiplex has unfairly discriminated against particular services, we would note that all small-scale multiplex licensees are required to comply with licence condition 11. This condition prohibits practices that are prejudicial to fair and effective competition, or that unduly discriminate against digital sound programme service providers. Ofcom would consider any future formal complaint against the evidence presented, but note that the responses to this consultation did not include evidence; that no breach findings have been recorded against the licensee to date; and that no matters are currently under investigation. Alleged breaches of other licence conditions are, in any event, not directly relevant to the licence variation request under consideration.

- 3.22 In relation to those respondents raising concerns about reduced coverage in certain areas, Ofcom agrees that the losses are disappointing for listeners who lose coverage as a result of the proposed changes. However, given the non-availability of an existing transmitter, the issue for Ofcom is whether it is appropriate in all the circumstances to exercise our discretion to allow the change, noting the replacement proposed for that transmitter and its different coverage pattern.

Ofcom's reasoning and decision

- 3.23 Ofcom has considered the views set out in consultation responses. Whilst most are not supportive of Ofcom's preliminary view, they do not provide compelling reasons to depart from it. In particular, we do not consider that approving a properly evidenced change application approximately three years after the original licence award undermines the original process, and indeed the ability to make such requests is explicitly allowed for in the relevant legislation. Further, we have not made any breach findings against the licensee in relation to any licence condition and have no investigations currently open. Any formal complaint would be assessed on its merits and is not of direct relevance to this licence variation application.
- 3.24 In relation to coverage loss, we recognise the disappointment over that, which was reflected in Ofcom's own preliminary view. However, we are satisfied that the loss is acceptable in circumstances where evidence has been provided that the move away from the existing site is necessary, and a replacement site has been found nearby that mitigates that loss. In coming to this position, we took into account that the licensee had considered eight alternative sites with the aim of minimising coverage changes. The licensee rejected these because they offered inferior coverage to the Northcote site, or due to difficulty with gaining access to the sites – example reasons being an unwilling landlord, an impending business relocation or unfavourable commercial terms.
- 3.25 As noted above, we are also mindful that the impact of some of the coverage loss is mitigated by households continuing to receive coverage from the Leeds small-scale multiplex which includes many of the same services as the Bradford small-scale multiplex.
- 3.26 We have therefore decided, for the reasons set out above, 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 the application from Bradford Digital Media Limited to vary the small-scale radio multiplex licence for Bradford so as to change the area within which the service is required to be available.

A1. The proposed change

- A1.1 This licensee is proposing use of transmitter site at Northcote located approximately 500 metres from the currently licensed site at Eccleshill that is expected to cease operation shortly. The coverage provided by Northcote is somewhat different to that provided by Eccleshill, so the licensee is proposing an increase in transmitter power in order to seek to maintain coverage. Operations at the other two licensed sites at Undercliffe and Baildon are unchanged.
- 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 building.²
- A1.1 However, please note the following caveats:
- a) The maps are based on computer predictions rather than actual measurements, so is 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 level 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.

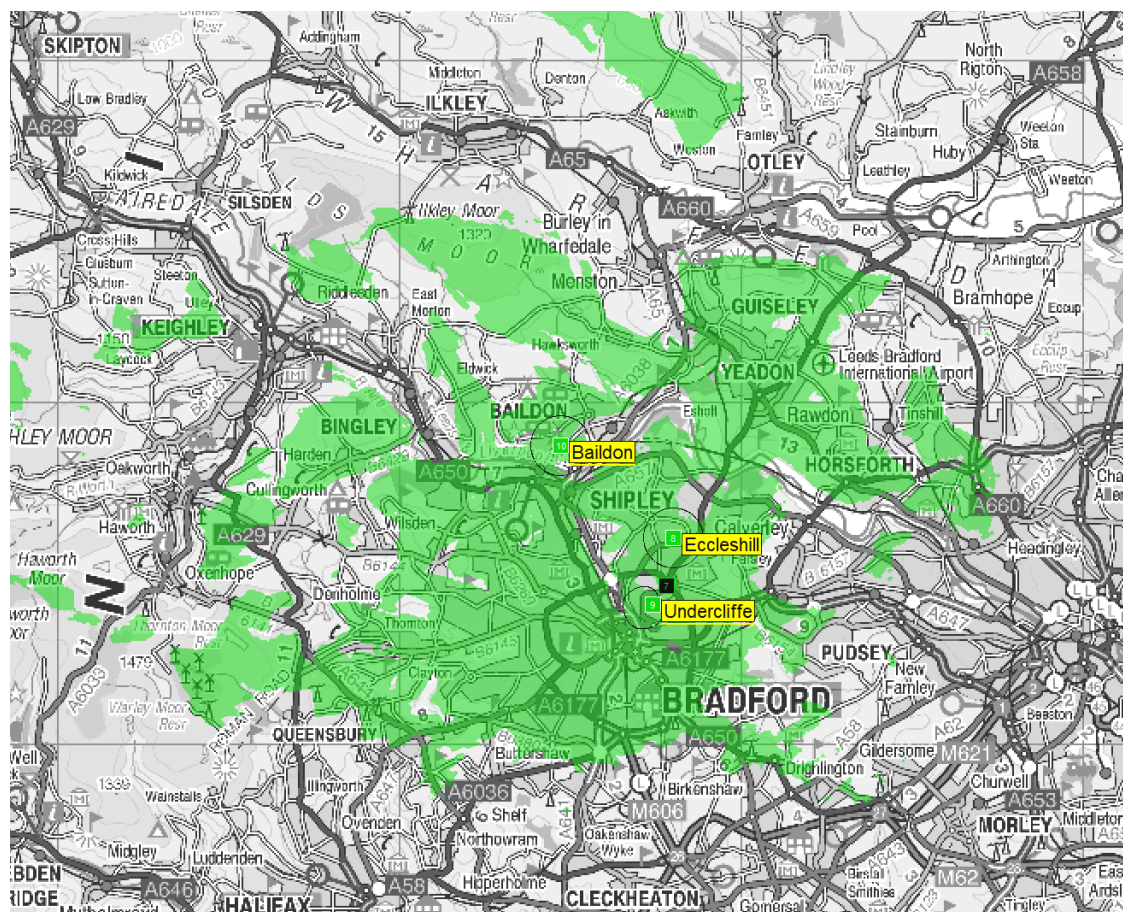
² The areas classed as served are where we predict a field strength of at least 63dB μ V/m at 10m above ground level, which corresponds to providing a service at 80% location probability and 50% time availability, as set out in our [Technical policy guidance for DAB multiplex licensees \(ofcom.org.uk\)](#)

Coverage required by current licence

Currently licensed transmitter details

| Transmitter site name | National grid reference | Site height | Power | Antenna height | Antenna pattern |
|-----------------------|-------------------------|-------------|-------|----------------|---|
| Eccleshill | SE180361 | 210m | 35W | 19m | Omni |
| Undercliffe | SE174341 | 183m | 100W | 8m |  |
| Baildon | SE147387 | 108m | 50W | 11m | Omni |

Map of currently licensed coverage

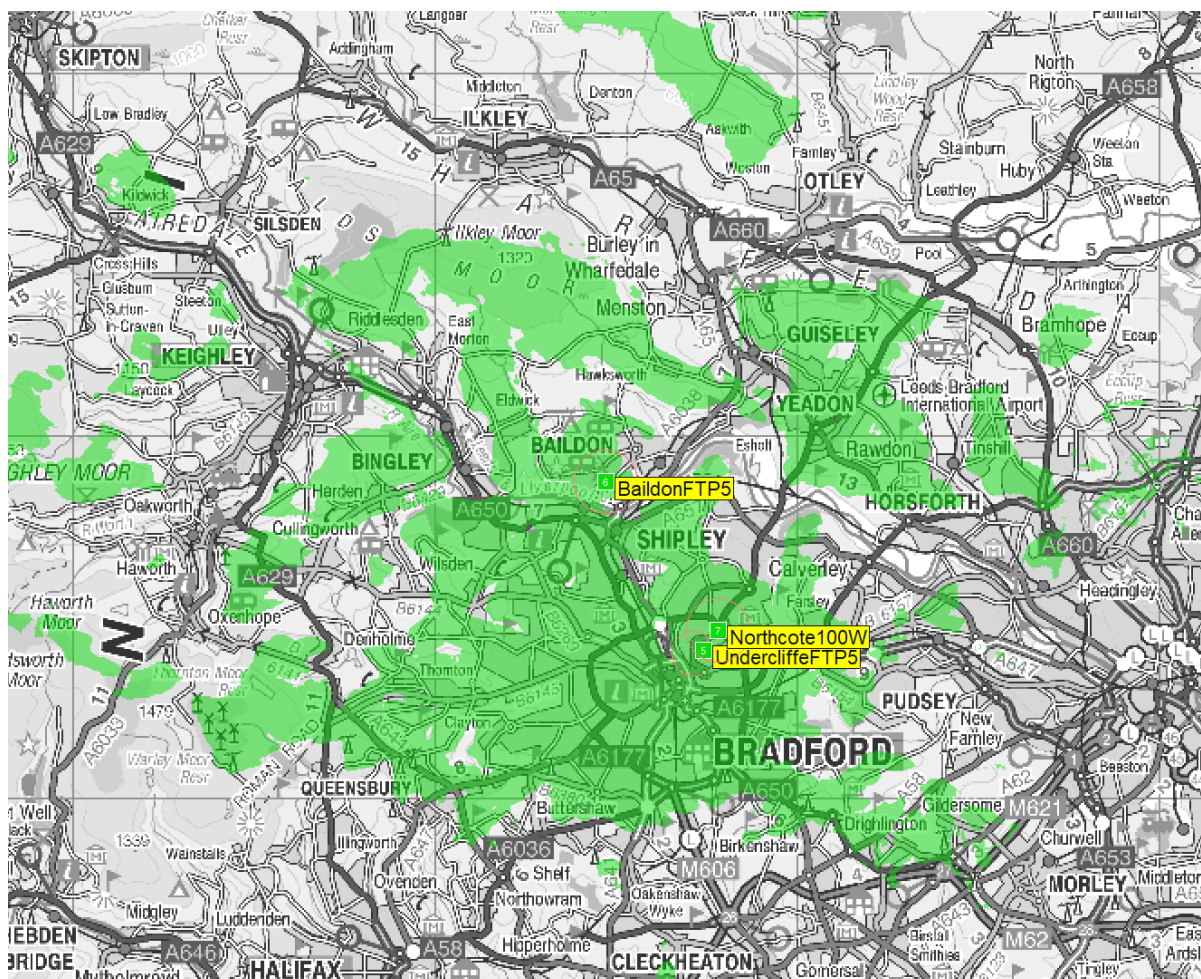


Coverage proposed by the licensee

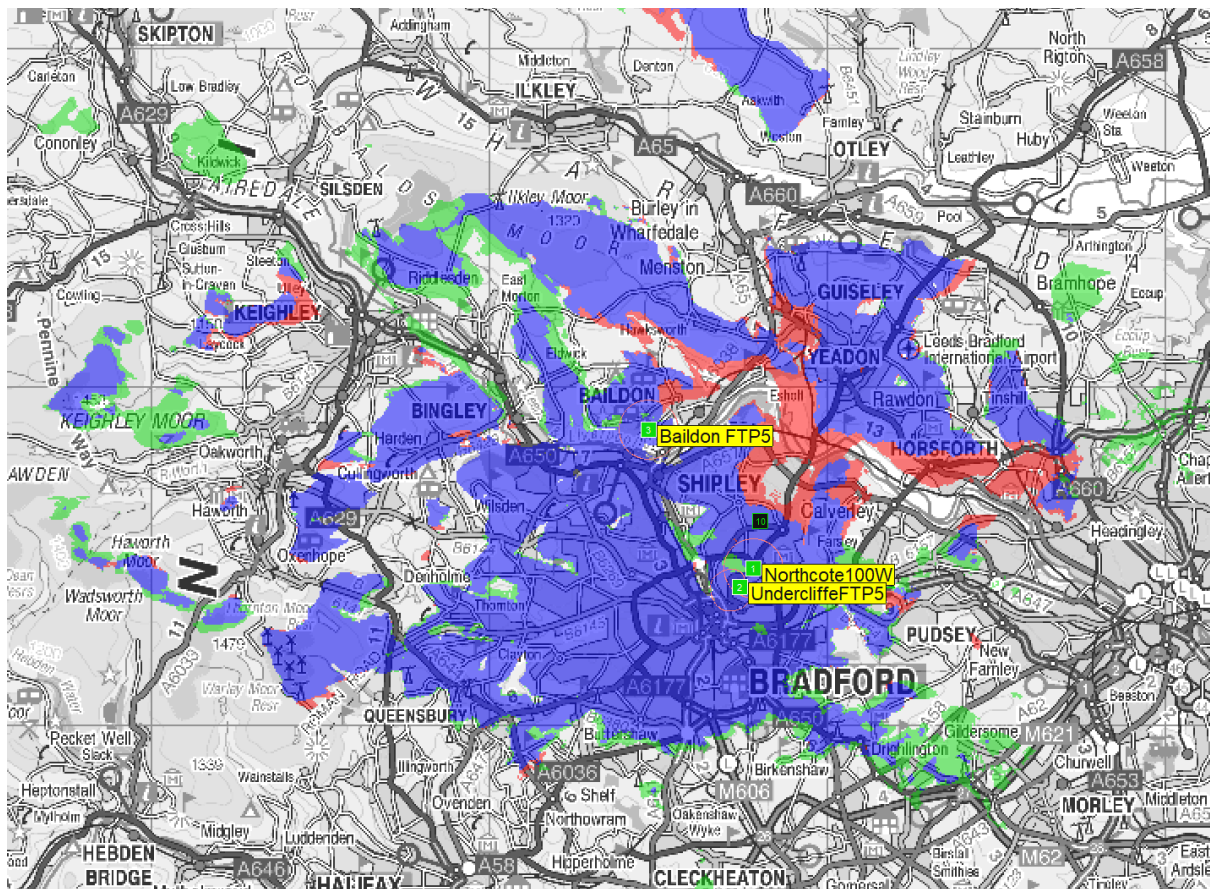
Proposed transmitter details

| Transmitter site name | National grid reference | Site height | Power | Antenna height | Antenna pattern |
|-----------------------|-------------------------|-------------|-------|----------------|---|
| Northcote | SE178347 | 208 | 100W | 17.5 | Omni |
| Undercliffe | SE174341 | 183m | 100W | 8m |  |
| Baildon | SE147387 | 108m | 50W | 11m | Omni |

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 | 323,346 |
| Population served by proposed coverage | 315,427 |
| Net population change | -7,919 |
| Population retained (blue areas) | 287,463 |
| Population gained (green areas) | 27,964 |
| Population lost (red areas) | 35,883 |

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 The change will affect the Bradford 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.
- A2.1 As a result of our decision, there will be reduced coverage by the multiplex service, principally in some areas around Bradford 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.
- A2.2 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 Bradford small-scale radio multiplex service would cease to be provided in the areas served by the Eccleshill transmitter, or by an alternative transmitter providing inferior coverage. With those comparators, there would be benefits for groups specified in section 3(4). Further, our approval of the request will also extend coverage in some areas, in particular within the city of Bradford itself.

Public sector equality duties

- A2.3 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.

A2.4 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 Bradford small-scale radio multiplex service would cease to be available to a greater number of people in the areas served currently served by the Eccleshill transmitter. Further, our approval of the request will also extend coverage in some areas.