

Your response

Question	Your response
<p>Question 1: Do you agree with the planning principles and methodologies that we will use in our work to refine the coverage area plan for small-scale DAB?</p>	<p>Yes, we agree with Ofcom's planning principles and methodologies to be used to refine the coverage area plan for small-scale DAB.</p>
<p>Question 2: Do you agree with our proposed approach to the required technical licence conditions for small-scale radio multiplex services, and the proposed amendments to the Digital Radio Technical Code?</p>	<p>Yes, we generally agree with Ofcom's proposed approach to the required technical licence conditions for small-scale radio multiplex services and the proposed amendments to the Digital Radio Technical Code. However, small-scale multiplex operators should have the choice of providing services on either DAB or DAB+ as they best see fit and not be held to a higher regulatory burden than other DAB operators.</p>
<p>Question 3: Do you agree with Ofcom's proposed approach to setting the level of reserved capacity for C-DSP services on small-scale radio multiplex services?</p>	<p>Yes, we agree with Ofcom's proposed approach to setting the level of reserved capacity for C-DSP services on small-scale radio multiplex services.</p>
<p>Question 4: Do you agree with the factors we are proposing to take into account of in deciding the order and timescale in which Ofcom will advertise small-scale radio multiplex licences?</p>	<p>Yes, we agree with the factors of which Ofcom proposes to take into account when deciding the order and timescale in which Ofcom will advertise small-scale radio multiplex licences.</p>
<p>Question 5: Do you agree with our proposed approach for assessing the technical plans submitted in small-scale radio multiplex licence applications?</p>	<p>Yes, we agree with Ofcom's proposed approach for assessing the technical plans submitted in small-scale radio multiplex licence applications.</p>
<p>Question 6: Do you agree with our proposed approach for assessing the ability of applicants to establish their proposed small-scale radio multiplex service?</p>	<p>Yes, we agree in general - however, Ofcom should give particular positive weighting to applicants whose participants include persons or organisations who already have demonstrable experience of delivering a community radio service in the locality</p>

	<p>proposed. This indicates real-world experience of implementing or commissioning transmission services and of negotiating site access arrangements with relevant local site owners. This criterion should also take into additional account the opportunities for co-locating with existing FM services.</p> <p>In making an award decision Ofcom must also balance responses on this criterion and the technical plan (Criterion 1) with responses to the 3 other criteria listed. In particular, the third criterion (ownership or participation in the applicant by a potential or actual C-DSP licensee) should carry equal weighting in an award decision alongside each of the other criteria.</p> <p>We note Ofcom's observations in this respect that the third criterion is considered desirable not essential. Notwithstanding that, while Ofcom may wish to set thresholds of technical viability (Criterion 1) and of viability (Criterion 2), provided such thresholds are met, award decisions should be based on scoring against all five criteria with equal weighting in order to reach a fair decision between competing applicants.</p>
<p>Question 7: Should Ofcom require that the studio of a C-DSP licensee be located within the coverage area of the small-scale radio multiplex service it plans to broadcast on? Please explain the reasons for your view.</p>	<p>The CMA considers that “the requirement that the studio of a C-DSP licensee is located within the coverage area of the small-scale radio multiplex service on which it plans to broadcast may cause issues for some stations who are not necessarily defined geographically or whose broadcast area does not match that of the proposed multiplex. Ofcom should allow for exceptions to this rule where justification can be provided.”</p> <p>We would like to add to this as the one issue we feel most strongly about. C-DSP licence holders are required by their licence to 'deliver social gain objectives'. But how are they to deliver meaningful social gain objectives in any sort of scalable way if licensed such that they are necessarily hyper-localised on an arbitrary geographical basis? (There are more than 500 multiplex area applications under consideration nationwide). It follows from the proposed studio requirement that a C-DSP licensee must hold either (i) a single studio located in a single</p>

multiplex area, presumably sticking to hyper-localised content; or (ii) must operate multiple distinct services each with their own studio base in distinct local areas. There is no provision for anything in between - i.e for any C-DSP license holder to create any sort of network (of the sort one might want to create in order to deliver meaningful 'social gain' - or to serve audiences - on a larger scale). Provision should be made for SSDAB broadcasters who want to meet social gain objectives and provide innovative, culturally meaningful and engaging content, but in a networked way outside of one geographical area. The current proposals mean one must either operate multiple distinct services and studios, or license commercially. The requirement for a C-DSP studio base to be in the given multiplex broadcast area - and applying such a restriction only to CDSP holders - is an additional burden that does not currently extend to commercial licencees.

We think the technology lends itself to addressing "audiences of interest" (rather than communities) in multiple geographical locations regionally and nationally in a way that is quite distinct from FM. SSDAB is not tied to locale (as we have shown with Resonance Extra) but rather allows for the transmission of niche audience-focused content in diverse parts of the country.

Consider the mechanism of SSDAB in relation to Arts Council England's current consultation, which indicates: "Such provision must be locally accessible but part of a national ecology: one that is ambitious, inclusive, collaborative, dynamic, environmentally sustainable, relevant, internationally connected and highly innovative. And that national cultural ecology must in turn be driven by people from all of our communities who have been given equal opportunity to develop their individual creative potential. Taken together, the outcomes and principles depict the creative and cultural nation we want England to become by 2030."

While appreciating that there might be plausible reasons for wanting to prevent an organisation such as ours setting up a national

	<p>network by stealth, we think Ofcom’s perspective is at odds with that of ACE. Accordingly, we would be keen to know what lies behind Ofcom’s thinking in respect to this provision. It seems backward-looking, old fashioned and arising from the earliest principles of the Pilot Access Scheme; rather than forward looking and appreciating the new (and future) possibilities of SSDAB.</p> <p>We also think that Ofcom’s indication that the “definition of ‘community’ in the Order includes a reference to ‘a particular area or locality’” is likewise inapposite: the generally accepted notion of what characterises the Digital Realm is precisely the abolition of geographically specific reach (contrary to the proposed adjustments to the regulation mentioned in 6.18).</p> <p>There is a philosophical conundrum at the heart of Ofcom’s proposals here. But in the emphasis on “consumers in relevant markets” there is also a simple failure to acknowledge that many communities throughout the UK are geographically atomised and regionally scattered. These include audiences bound together by interest or taste, but also by language, religion, etc: audiences which would be ably served by SSDAB in a way hitherto impossible.</p> <p>It may be that in response you will merely indicate that the local DSP licence would allow for all the above: that is not actually clear from the consultation document.</p>
<p>Question 8: We propose that holders of corresponding analogue community radio and DSP licences apportion their income equally across their licences, unless there are compelling reasons why a different apportionment is reasonable. Do you agree with our suggested approach?</p>	<p>Yes, we generally agree with this approach to apportion income equally across analogue and digital licences as it will be easier to administer and there is provision for exceptions to be made if differential apportionment is required. However, this proposal does not take into account the higher costs of simulcasting on both analogue and digital. It is therefore recommended that Ofcom seeks a change to the fixed revenue allowance with DCMS to better support holders of both analogue community radio and DSP licences.</p>

Question 9: Do you agree with our proposal that a prospective C-DSP service provider will be able to apply for a C-DSP licence once we have invited applications for the small-scale radio multiplex licence upon which their proposed C-DSP service is intended to be provided?

Yes, we agree that prospective C-DSP service providers will only be able to apply for a C-DSP licence after Ofcom has invited applications for the small-scale radio multiplex licence upon which their proposed C-DSP service is intended to be broadcast. It will be in the interests of potential C-DSP services to not have to apply and pay licence fees before the licence for the multiplex on which they may wish to broadcast has even been advertised or even launched.