



# **DAB MULTIPLEX CHANGE REQUEST: HEREFORDSHIRE & WORCESTERSHIRE**

Request to change frequency of Herefordshire &  
Worcestershire local radio multiplex

Consultation

Publication date: 13 August 2013

Closing date for responses: 10 September 2013

Request to change frequency of Herefordshire & Worcestershire multiplex

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## Section 1

# Executive summary

- 1.1 MuxCo South Midlands Limited ('MuxCo'), which has been awarded the local radio multiplex licence for Herefordshire & Worcestershire, has applied to change the frequency upon which the local radio multiplex service will be provided.
- 1.2 The proposed frequency change requested by MuxCo is part of a revised frequency plan which is designed to enhance the coverage of local DAB services across the UK as a whole.
- 1.3 MuxCo proposes to launch the Herefordshire & Worcestershire local radio multiplex service, on the new frequency, in September 2013.
- 1.4 Before deciding whether to agree to MuxCo's request, Ofcom is legally required to seek representations on the request from any interested parties. This consultation represents that opportunity. The closing-date for representations to be made is Tuesday 10 September 2013; any submissions received after this date may not be considered.
- 1.5 The relevant statute states that Ofcom can agree to the request only if we are satisfied that the change would not unacceptably narrow the range of local DAB programme services available to listeners in the Herefordshire & Worcestershire area.
- 1.6 Provided that the request meets the terms of the statute, the decision whether or not to agree to the request is at Ofcom's discretion.
- 1.7 Where a request for a licence variation requires a change to the existing frequency, our general policy is to approve such requests subject to the availability of a suitable alternative frequency, and consideration of the knock-on implications to the frequencies of other multiplexes (and the stations they carry).
- 1.8 We seek views on whether Ofcom should approve the request from MuxCo.

## Section 2

# Details and background information

- 2.1 Local radio multiplex licences are granted by Ofcom to enable the provision of radio stations and other types of service (e.g. data) on the DAB (Digital Audio Broadcasting) platform. The holder of a local radio multiplex licence is responsible for, among other things, delivering coverage in the local area, and facilitating the provision of a range of radio services to listeners in that area.
- 2.2 The local radio multiplex licence for Herefordshire & Worcestershire was awarded in September 2007 to MuxCo Hereford & Worcester Limited (now called MuxCo South Midlands Limited). The licence is for a local radio multiplex service designed to cover the counties of Herefordshire and Worcestershire. This area is known as the 'licensed area'.
- 2.3 MuxCo has submitted an application to change the frequency upon which the Herefordshire & Worcestershire local radio multiplex service will be provided, from the current Frequency Block 10B to Frequency Block 12A. The application from MuxCo is at Annex 5.
- 2.4 MuxCo is entitled to apply for a change to its frequency under section 54A of the Broadcasting Act 1996, which was inserted by the Digital Economy Act 2010. These statutory provisions set out the process a local radio multiplex licensee must follow when applying to extend its licensed area and/or change its frequency, and the matters that Ofcom must take into account when deciding whether to agree to a request.
- 2.5 Section 54A states that before deciding whether to agree to a coverage extension and/or frequency change request, Ofcom must seek representations on the request from any interested parties. This consultation represents that opportunity. The closing-date for representations to be made is **Tuesday 10 September 2013**; any submissions received after this date may not be considered.
- 2.6 The legislation also stipulates that before deciding whether or not to agree to a request such as the one submitted by MuxCo, Ofcom must be satisfied that the change would not unacceptably narrow the range of digital radio programme services available to listeners in the area served currently by the local radio multiplex service in question.
- 2.7 As a change of frequency will not affect the services which MuxCo proposes to provide on the multiplex, it would appear that agreeing to MuxCo's request would not unacceptably narrow the range of DAB programme services (proposed to be) available in the Herefordshire & Worcestershire area, but we nevertheless welcome views on this matter.
- 2.8 As indicated in paragraph 2.6, Ofcom can still decide not to agree to MuxCo's request even if it is satisfied in relation to the criterion specified in the legislation. In other words, agreeing to the request is at our discretion provided that the request meets the terms of the statute.
- 2.9 Where a request for a licence variation requires a change to the existing frequency, our general policy is to approve such requests subject to the availability of a suitable

alternative frequency and consideration of the knock-on implications to the frequencies of other multiplexes (and the stations they carry).

- 2.10 The proposed frequency change requested by MuxCo is part of a revised frequency plan which is designed to enhance the coverage of local DAB services across the UK as a whole. As such, the proposed alternative frequency (12A) is indeed available, and the knock-on implications for other multiplexes is positive, in that changing the frequency of the Herefordshire & Worcestershire local radio multiplex service will reduce the levels of interference between local DAB multiplexes on the same frequencies and thus improve local DAB coverage overall.
- 2.11 We seek views on whether Ofcom should approve the request from MuxCo (see Annex 4 for a list of specific questions).

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 10 September 2013**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/dab-hereford/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses – particularly those with supporting charts, tables or other data – please email: [neil.stock@ofcom.org.uk](mailto:neil.stock@ofcom.org.uk), attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below:
- Herefordshire & Worcestershire consultation  
F.A.O. Neil Stock  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- Fax: 020 7981 3850
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, at Annex 4. It would also help if you can explain why you hold your views and how the proposals would impact on you.

## Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Ofcom's commercial radio licensing team on 020 7981 3000.

## Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

## Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

## Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is as easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Tel: 020 7981 3601

Email [Graham.Howell@ofcom.org.uk](mailto:Graham.Howell@ofcom.org.uk)



## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. 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

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

### After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title: Herefordshire & Worcestershire consultation

To (Ofcom contact): Neil Stock

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	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	<input type="checkbox"/>

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)?

### 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 seeks to publish responses on receipt. 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)

## Annex 4

# Consultation questions

*Q1. Do you think that allowing MuxCo to change the frequency of the Herefordshire & Worcestershire local radio multiplex licence would unacceptably narrow the range of DAB programme services which will be available in the Herefordshire and Worcestershire area? Please explain the reasons for your view.*

*Q2. Do you consider that there any other grounds on which Ofcom should approve, or not approve, the request from MuxCo? Please explain the reasons for your view.*

**Annex 5**

# Application from MuxCo South Midlands Limited

MuxCo South Midlands Ltd  
96a Curtain Road  
London  
EC2A 3AA  
Office - 020 7739 7879  
Mobile - 07917 413700  
Email - gregory@muxco.com



Neil Stock  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA

5<sup>th</sup> August 2013

Dear Neil,

**Request to change frequency from block 10B to 12A**

MuxCo South Midlands Ltd is making a request to Ofcom to change frequency from block 10B to block 12A in accordance with Ofcom's revised DAB frequency plan for the UK.

In accordance with Section 54A of the Broadcasting Act 1996 (as amended by the Digital Economy Act 2010), MuxCo South Midlands asks that Ofcom consider this request against the following statutory criterion:

*The application must include a technical plan detailing the proposed coverage area, estimated timetable and the technical means by which it would be achieved*

MuxCo South Midlands submits a full technical plan to Ofcom with this request detailing the proposed coverage area and the technical means by which it would be achieved.

In summary, MuxCo South Midlands proposes launching the multiplex in September 2013, using initial transmitters at Ridge Hill and Malvern, with a transmitter at Bromsgrove to launch no later than February 2014.

*Unacceptably narrow the range of programmes available by way of local digital sound programme services to persons living in the area or locality for which, before the proposed variation, the local radio multiplex service is required to be available*

The proposed change of frequency will not narrow the range of programmes available by way of local digital sound programme services to persons living in the multiplex area.

*There are sufficient safeguards in place to protect the rights and interests of stations carried on the multiplexes and the rights and interests of other multiplex operators (and the stations they carry).*

The change is in line with future plans in accordance with the MoU and we have timed this proposed change so as to minimise the impact on listeners and radio stations of the closure of the MXR West Midlands.

I attach a formal Technical Plan prepared by Arqiva which provides information on these transmitters, maps of proposed coverage and information on population coverage as measured by adult population and roads.

Please let me know if you require any further information in respect of this request.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "G. Watson".

**Gregory Watson**  
Managing Director

## Launch Plan

Transmitter	NGR	Site Ht m AOD	Antenna Ht m AGL	ERP kW	Antenna & Bearing
Ridge Hill	SO 630 333	204	172	4.00	Omni panel array
Malvern	SO 775 464	161	35	5.0	Dipole 082°ETN
Bromsgrove	SO 947 730	148	39	0.6	Omni-directional panel antenna

## Population Coverage tables within Editorial Area

Population coverage 1% Time interference:

Indoor is proportional 80-95% Locations, 1% Time interference

### Population

Site scenario and incremental additional sites	Number of households within Editorial Area	Percentage of Editorial Area
Three transmitters Malvern, Ridge Hill and Bromsgrove	231,465	68.2%

Total population in boundary: 339,323 Households

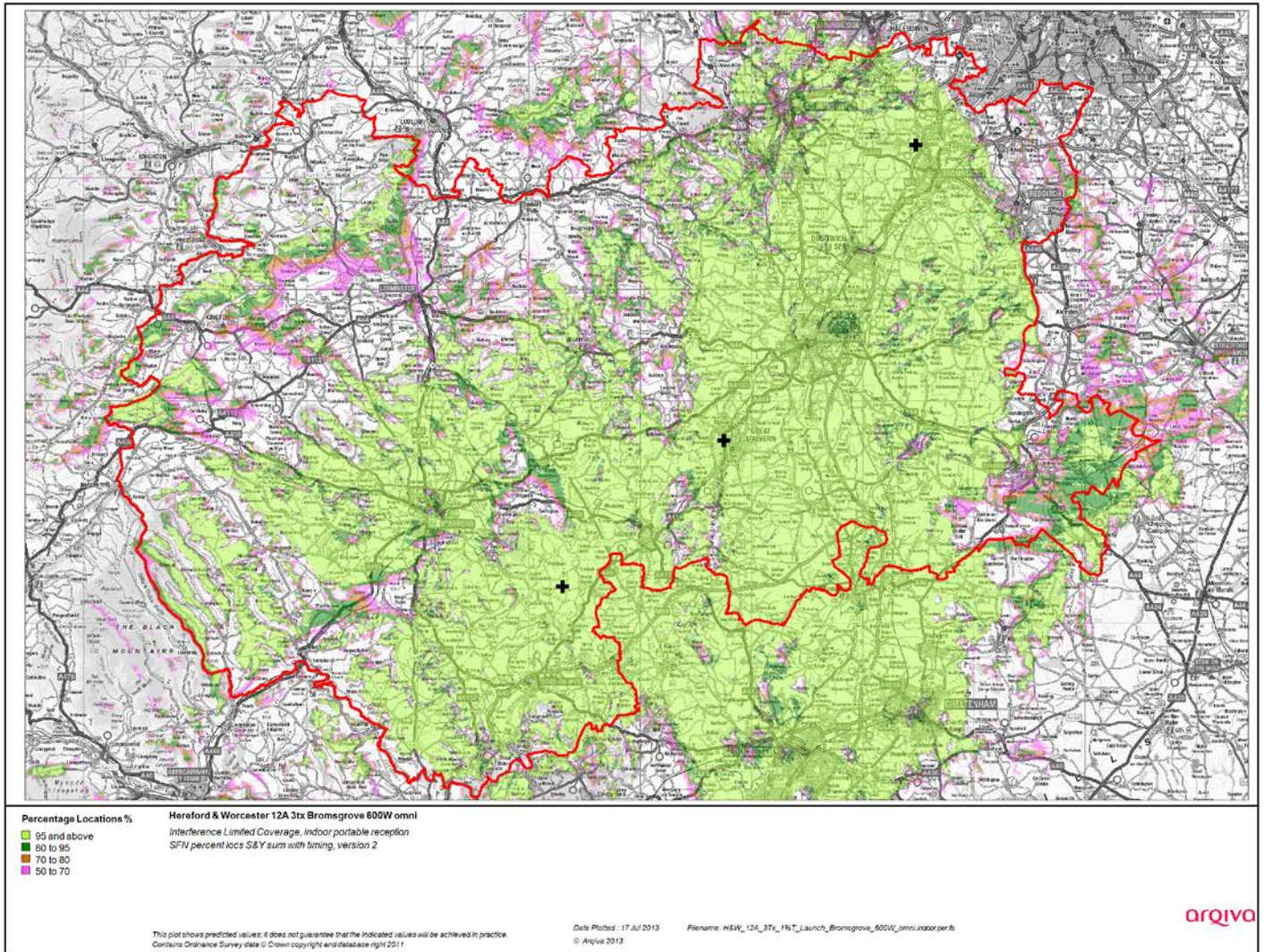
### Roads

Site scenario and incremental additional sites	Number of km within Editorial Area	Percentage of Editorial Area
Three transmitters Malvern, Ridge Hill and Bromsgrove	754	74.5%

Total roads in boundary: 1,012 km



### Interference Limited Coverage 1%T Indoor



## Interference Limited Coverage 1%T Mobile

