

Small-scale radio multiplex licence award: Cumbernauld & Coatbridge

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Cumbernauld & Coatbridge to Tower DAB Limited.

In considering the applications it receives for small-scale radio multiplex licences, Ofcom is required to have regard to each of the statutory criteria set out in section 51(2) of the Broadcasting Act 1996 as modified by the Small-scale Radio Multiplex and Community Digital Radio Order 2019. These are as follows:

1. the extent of the coverage area (within the area or locality specified in the Ofcom notice inviting applications) proposed to be achieved by the applicant in the technical plan submitted in its application; (section 51(2)(a))
2. the ability of the applicant to establish the proposed service; (section 51(2)(c))
3. the desirability of awarding the licence to an applicant that:
 - a. is a person providing or proposing to provide a community digital sound programme service in that area or locality, or
 - b. has as a participant a person providing or proposing to provide a community digital sound programme service in that area or locality; (section 51(2)(ca))
4. the extent to which there is evidence that, amongst persons providing or proposing to provide community or local digital sound programme services in that area or locality, there is a demand for, or support for, the provision of the proposed service; (section 51(2)(f)) and
5. whether, in contracting or offering to contract with persons providing or proposing to provide community or local digital sound programme services, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of those services. (section 51(2)(g)).

The legislation does not rate these requirements in order of priority, but it may be that Ofcom will regard one or more of the criteria as being particularly important in view of the characteristics of the licence to be awarded and the applications for it.

Assessment

On 19 April 2024, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex services in localities including Cumbernauld & Coatbridge.

By the closing-date of 18 July 2024, Ofcom had received one application for Cumbernauld & Coatbridge. This was from Tower DAB Limited ("Tower DAB"). Copies of the non-confidential parts of

the application were made available for public scrutiny on the Ofcom website, and public comment was invited as required under section 50(7) although none was received.

Ofcom colleagues assessed the detail of the application, including carrying out an assessment of the technical plan required to be submitted as part of all applications. The decision in relation to Cumbernauld & Coatbridge was made by a panel of Ofcom decision makers which convened on 7 February 2025. They carefully considered the application and professional advice from Ofcom colleagues. They applied the statutory criteria in reaching their decision on whether to award a licence to the sole applicant. Reasons for their decision to award a licence to Tower DAB are summarised below.

In relation to section 51(2)(a), the applicant proposed using two transmitters to provide its service. Ofcom calculations indicate that this would result in just over 55% of the adult population in the advertised licence area being able to receive the service. Ofcom's coverage predictions indicated that the proposed small-scale radio multiplex service would be available to well under 40% of the population in the licensed areas of the overlapping Glasgow and Edinburgh local radio multiplexes, and overspill outside the advertised area was predicted to be under 30% of the population of the advertised area. Ofcom therefore considered no mitigations were required to comply with these thresholds. Ofcom also considered that mitigations were unlikely to be necessary to address hole punching or interference. Decision makers noted that predicted coverage was relatively low, primarily because coverage was not predicted to reach densely populated parts of Glasgow towards the south west of the advertised area. There were also some doubts over one transmitter since the building where it is intended to be located in Cumbernauld has been identified for demolition and redevelopment in the relatively near future, although the applicant had suggested a nearby alternative site. Notwithstanding these limitations, however, the technical plan would achieve robust coverage of several important population centres including Cumbernauld, Coatbridge, Airdrie and Kirkintilloch, and decision makers considered coverage sufficient to justify award to the sole applicant.

In relation to section 51(2)(c), Ofcom considered the applicant's financial and business plan, technical plan, the timetable for coverage roll-out, and evidence of relevant expertise and experience. Decision makers noted that Tower DAB had provided only limited evidence of funding availability. The applicant had previously been awarded the licence to operate a small-scale multiplex in Berwickshire & Roxburgh, and its parent company had been awarded the East Fife licence, but both awards had been revoked as they had not been able to establish within the 18-month period allowed by legislation. As noted above, there was also significant doubt over availability of one site, albeit an alternative had been suggested. The factors gave decision makers concerns over the applicant's ability to establish the service within the 18-month period allowed by legislation, albeit this was partially mitigated by the applicant having engaged experienced partners for installation of transmission and multiplexing equipment. On balance, notwithstanding some concerns, decision makers considered there was sufficient prospect of the obstacles to establishment within the statutory period being overcome to justify award to the sole applicant in this case.

In relation to section 51(2)(ca), the applicant itself (there are no other participants) is not proposing to provide a C-DSP service on the multiplex. Under the legislation, involvement of such a person is a desirable feature but not a necessity for applicants.

In relation to section 51(2)(f), Ofcom considered evidence of demand or support from persons providing or proposing to provide community or local digital sound programme services (C-DSP and

DSP services) in the advertised area. Two prospective C-DSP services and six other DSP services (three connected with the applicant) had expressed an interest. Decision makers noted this represented a modest level of interest given the advertised area has a fairly significant population size and is close to Glasgow which has a strong community radio sector. Whilst it was encouraging that there was some C-DSP interest, this was in the context of a reservation for at least six community services, and the existing analogue community radio station in Cumbernauld was not among those expressing interest. Decision makers considered there was sufficient interest to justify making an award to the sole applicant, but emphasised the importance of significant further engagement between Tower DAB and prospective services to support the establishment and ongoing viability of the multiplex service.

In relation to section 51(2)(g) and based on the evidence received, Ofcom was satisfied that the applicant had, in contracting or offering to contract with persons providing or proposing to provide community or local digital sound programme services, acted in a manner calculated to ensure fair and effective competition in the provision of those services. However, as noted above, decision makers considered evidence of engagement was limited and it would be important for the applicant to focus on this area between award and launch of the multiplex.

It is noted that the award of a licence does not confer on the awardee the right to implement all elements of the technical plan submitted to Ofcom as part of the successful application. Ofcom will treat proposals in that plan, on the basis of which the award was made, as things the successful applicant has committed to achieve within the 18-month period allowed between award and launch. However, for spectrum planning reasons, Ofcom may also require amendments to proposals between award and licence grant.

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