

Small-scale radio multiplex licence award: Wigan

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Wigan to Wigan and St Helens 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 Wigan.

By the closing-date of 18 July 2024, Ofcom had received two applications for Wigan. These were from Legacy Digital Limited and Wigan and St Helens DAB Limited (“WSH DAB”). Copies of the non-

confidential parts of the applications 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 applications, including carrying out an assessment of the technical plans required to be submitted as part of all applications. The decision in relation to Wigan was made by a panel of Ofcom decision makers which convened on 15 November 2024. They carefully considered the applications and professional advice from Ofcom colleagues. They applied the statutory criteria in reaching their decision on whether and to whom to award a licence. Reasons for their decision to award a licence to WSH DAB are summarised below.

In relation to section 51(2)(a), the applicant proposed using one transmitter to provide its service. WSH DAB stated it was willing to implement either of two submitted technical plans at the site but, since one would be unachievable without a change of spectrum block by the existing Cheshire Mid small-scale multiplex, Ofcom's assessment was based on the plan not requiring that change. Ofcom calculations indicate that this would result in just over 36% 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 each of the overlapping local radio multiplexes (Lancashire, Liverpool and Manchester), and overspill outside the advertised area was predicted to be well under 30% of the population of the advertised area. Ofcom therefore considered no mitigations were required to comply with these thresholds. Ofcom also considered mitigations were unlikely to be needed to address interference issues. Decision makers considered the 36% coverage achieved represented a relatively low level of coverage across the advertised area as a whole. However, whilst there was negligible coverage in Ashton-in-Makerfield and Newton-le-Willows, as well as limited coverage in St Helens, the applicant had selected a single site that would be able to achieve good coverage in Wigan, Skelmersdale, Orrell and Standish (an adult population of nearly 210,000 in total). As such, although the technical plan was directed at serving part rather than all of the advertised area, it was likely to provide a good service in the key population centres targeted.

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, although a single transmitter plan limited coverage as noted above, it also reduced the cost and complexity of establishing the service. Good evidence had been provided that sufficient funding would be available, and the application involved individuals with substantial experience in radio in the local area. Overall, decision makers had a good level of confidence in the applicant's ability to establish the service within the 18-month period allowed by legislation.

In relation to section 51(2)(ca), one participant in the applicant, WWL Radio, proposed providing a C-DSP service on the multiplex. Decision makers noted that even though the service is not an existing analogue community radio service, it is an existing hospital radio service with a reasonable prospect of being carried by the multiplex from launch. Although the 5% shareholding was modest, WWL's involvement as a participant was nonetheless viewed positively.

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. As well as the prospective C-DSP provider mentioned above, expressions of interest in providing C-DSPs had been received from three local online services and a planned new station and, whilst their current status did not offer the same degree of confidence of launching as would be the case for an existing hospital radio service, it was positive to see interest

from the wider community sector in the advertised area. There was also evidence of interest from 26 prospective providers of DSPs, which decision makers noted represented a high level of demand and support.

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. Decision makers noted the evidence provided by the applicant of its outreach to a wide range of services had been excellent, and was reflected in the high level of evidenced demand as noted above.

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.

November 2024