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# Small-scale radio multiplex licence

## Application form – Part A (public)

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Name of applicant (i.e. the body corporate that will hold the licence):

Muxcast Two Limited

Multiplex licence area being applied for (note this must be a small-scale multiplex area currently being advertised by Ofcom):

Edinburgh

Public contact details:

Jason Bryant, Muxcast Two Limited, St Hilary Transmitter, Nr St Hilary, Cowbridge, Vale of Glamorgan. CF71 7DP

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# 1. Overview

You should complete this form if you are applying for a small-scale radio multiplex licence. You can find further information about small-scale radio multiplex services in the [Guidance notes for applicants and licensees](#).

This application form is divided into two parts – **Part A** (which we will publish on our website) and **Part B** (which will be kept confidential). This document constitutes Part A; [Part B of the application form](#) is available on our website.

If you encounter any issues using these forms, please contact [broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk).

## The purpose of this form

- 1.1 You should complete this form if you are applying for a licence to provide a small-scale radio multiplex service (a ‘small-scale radio multiplex licence’). A small-scale radio multiplex service is the means by which DAB digital radio stations (‘digital sound programme services’) are broadcast, and can transmit around ten stereo digital sound programme services (or a significantly higher number if the DAB+ standard is utilised). The application form is divided into two parts – **Part A** (which we will publish on our website) and **Part B** (which will be kept confidential). This document constitutes Part A; [Part B of the application form](#) is available on our website.
- 1.2 Small-scale radio multiplex licences are awarded by Ofcom in a competitive process. Applications are judged against specified criteria, and Ofcom awards the licence to the applicant which it considers best meets the criteria.
- 1.3 You can find more information about small-scale radio multiplex licences in Ofcom’s published [guidance notes](#) for licence applicants and licensees. This document also includes detailed instructions on how to complete the application form, and information on the next steps in the application process. Please read this guidance and the ‘frequently asked questions’ carefully before completing both parts of the application form.

## Provision of information

- 1.4 Ofcom requires complete and accurate information to assess applications. In particular, we must be satisfied that those applying for a licence are ‘fit and proper’ to hold a licence and are not disqualified from participation in a licence.
- 1.5 It is an offence under the Broadcasting Act 1996 (as amended) to provide false information or withhold relevant information during the application process, and may be grounds for revocation of a licence subsequently granted.

## Publication of applications

- 1.6 Part A of the application form (i.e. this document) will be published by Ofcom on our website as soon as practicable following the closing-date for applications. Part B of the application form will remain confidential. Non-confidential responses to any clarification or amplifications will also be published on the Ofcom website, alongside the Part A application form. Ofcom may take into account any comments received from the public, which can be made to it with respect to Part A of the application submitted.
- 1.7 In submitting Part A of the application, you agree that Ofcom may publish contact details for the licensee (as required on the cover of this application form), which may include personal data, on the Ofcom website and/or in other relevant publications. If you have any questions about the information we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email ([broadcast.licensing@ofcom.org.uk](mailto:broadcast.licensing@ofcom.org.uk)).
- 1.8 Ofcom considers issued small-scale radio multiplex licences to be public documents and copies of licences will be made available to third parties on request, noting that personal data apart from the name of the licensee may be redacted.

## Data protection

- 1.9 We require the information requested in this form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's [General Privacy Statement](#) for further information about how Ofcom handles your personal information and your corresponding rights.

## Keeping up to date with broadcasting matters

- 1.10 We strongly recommend that you sign up to receive Ofcom's regular email updates on broadcasting matters including notification when the Broadcast Bulletin is published.
- 1.11 Ofcom publishes a [monthly radio licensing update](#) which lists new services licensed, licences revoked, licence transfers, and changes to licensed services during the past month.
- 1.12 To sign up to receive these communications, please visit <https://www.ofcom.org.uk/about-ofcom/latest/email-updates> and select 'Broadcasting'.

## 2. Extent of proposed coverage area

### About this section

Under section 51(2)(a) of the 1996 Act, we are required to consider the extent of the coverage area an applicant proposes to achieve within the area which has been advertised. This section therefore asks you to describe the coverage you are proposing to achieve. Further questions on the detailed technical arrangements for the proposed service, including questions on the transmission site(s) that you intend to use and your plans for how the multiplexing and distribution of your service will be arranged are contained in Part B of the application form.

Before completing this section of the form, you should read carefully the notes on 'Extent of proposed coverage area' in Section 4 of Ofcom's [guidance notes for licence applicants and licensees](#).

- 2.1 Provide a summary, fully consistent with the more detailed information about transmission sites supplied separately in Part B, of the coverage area proposed to be achieved by your technical plan. This should include a description of the target area you are seeking to serve within the advertised licence area, and also any areas you are aiming to serve outside the advertised licence area for this small-scale radio multiplex service. (You may refer to your coverage prediction in the response you provide):

We are looking to achieve very good outdoor coverage and good to very good indoor coverage across as much of the licence area as possible.

We achieve this with the use of four transmitters.

- Braid Hill – coverage to the south east
- Edinburgh Queensferry Holiday Inn – coverage in the north
- Edinburgh South – coverage to the south
- Waverley TE – coverage in Edinburgh city centre

The coverage has been planned to provide as consistent experience of reception as listeners would expect to national and existing local DAB services in the Edinburgh area.

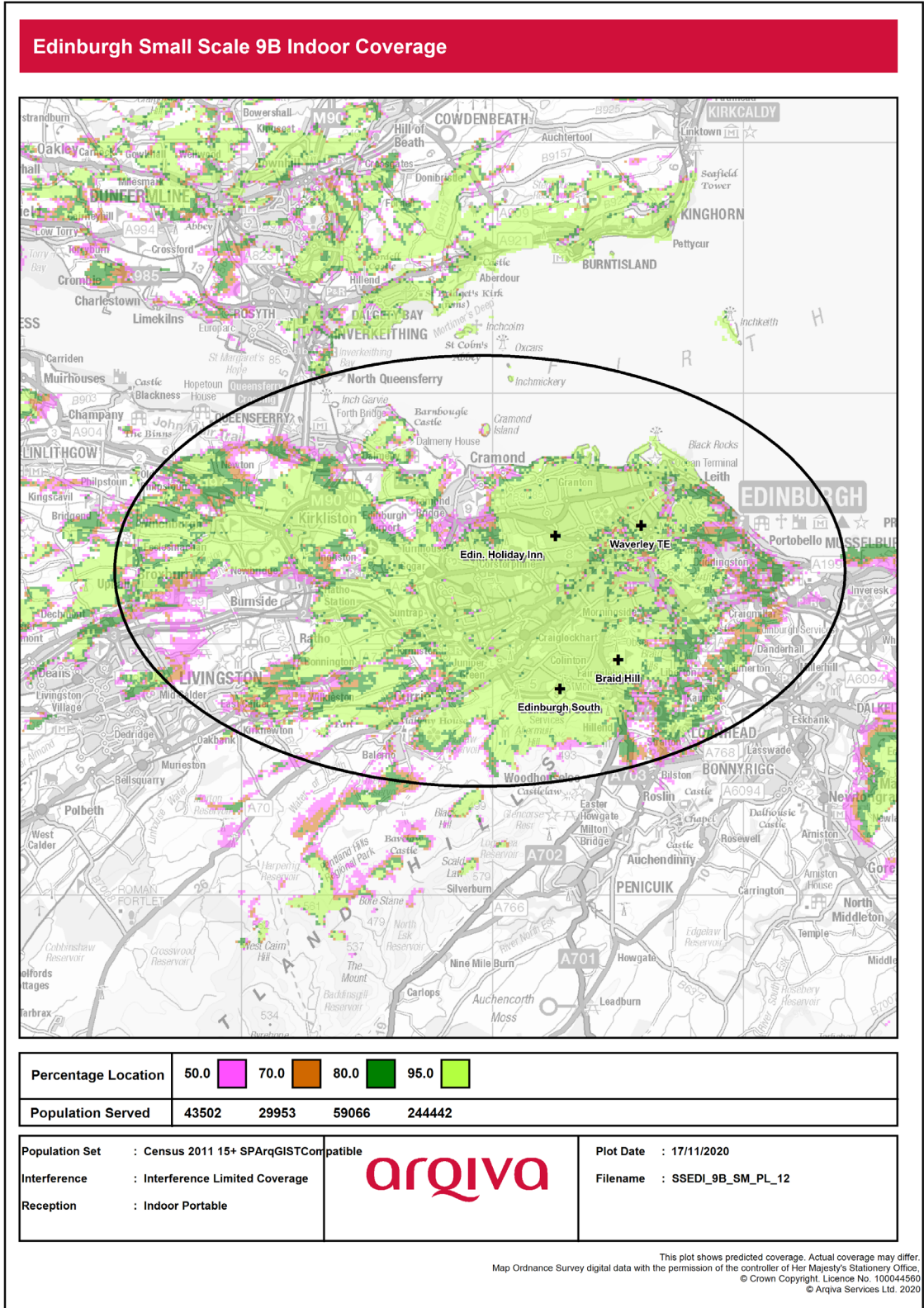
Coverage has been deliberately planned in such a way to ensure negligible overspill outside of the Edinburgh polygon.

The sites and proposed ERPs we have selected have taken in to account ACI and interference with co-channel multiplexes as well ensuring population count compliance.

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2.2 Please provide a coverage prediction map for the whole transmitter network you are proposing to build within 18 months if you are awarded a licence. The map should show the 63 dBµV/m field strength and the advertised small-scale DAB licence area contour.

[Small-scale DAB licence areas in GIS format](#) are available on the Ofcom website.



2.3 Please provide the following details of the prediction software used for your coverage assessments:

Provide the name and version of the prediction tool used.	Wanted Coverage: UKPM Interference: ATDI ICS Telecom EV x64
Detail the terrain model used by the software and its resolution.	Ordnance Survey Panorama Terrain (50m resolution)
Detail the ground cover (clutter) data used by the software and its resolution.	Infoterra Clutter Data (50m resolution)
What propagation algorithm has been used?	Wanted Coverage: <ul style="list-style-type: none"> <li>• UKPM</li> </ul> Interference: <ul style="list-style-type: none"> <li>• Model pre-set: Fresnel</li> <li>• Diffraction geometry: Deygout 94</li> <li>• Subpath attenuation: Coarse Integration</li> <li>• FZ fraction: 0.8</li> <li>• Earth radius (sea and land): 28,500km</li> </ul>
Where multiple sites are proposed, describe what methodology has been used to assess the network (SFN) gain	Wanted coverage has used UKPM Interference has used power sum (Power sum coverage in ICS)
If these predictions have not used Ofcom-provided population data, state what population data has been used and its source.	Census 2011 data 15+ (Arqiva generated)
Have your predictions been generated by a commercial organisation? If so, by whom?	Arqiva

## 3. Ability to establish the proposed service

### About this section

In Section 3, we are asking questions about the applicant company, its financial and business plan, the relevant expertise and experience of those who will be involved in providing the small-scale radio multiplex service, and the timetable for coverage roll-out. The answers to these questions will enable Ofcom to assess the application under section 51(2)(c) of the 1996 Act. Additional information will be submitted in Part B.

In the first part of this section we are asking for details of the applicant's officers (directors or, in the case of LLPs, designated members), its shareholders and participants. Where applicable, we are also asking for details of the officers of the applicant's parent and associated companies or LLPs etc.

If any of the individuals named in your responses are known by more than one name/version of their name, all names must be provided.

Certain persons are disqualified from holding a small-scale radio multiplex licence. This section asks the questions which enable us to consider this for those types of disqualification which apply specifically to bodies corporate. It also asks questions which are relevant to our assessment of the applicant's fitness and properness to hold a small-scale radio multiplex licence.

The response boxes and tables should be expanded or repeated where necessary, or provided in a separate annex.

'Officerships' in this section refers to: directorships of bodies corporate, designated memberships of LLPs, or membership of a governing body of an unincorporated association (including partnerships).

The remaining questions in Section 3 relate to the applicant's financial and business plan, the expertise and experience of those involved, and the planned timetable for launching the proposed multiplex service.

### Applicant's details

3.1 Name of applicant (i.e. the body corporate that will hold the licence):

Muxcast Two Limited

3.2 Company registration number stated on Companies House (if applicable):

12945830

3.3 For UK registered companies, the address of the applicant's registered office stated on Companies House. For non-UK registered companies, the principal office address:



St Hilary Transmitter, Nr St Hilary, Cowbridge, Vale of Glamorgan, CF71 7DP

- 3.4 If a UK registered company, is the **current** Memorandum and Articles of Association document available on the Companies House website?

**Yes** (delete as appropriate)

**If no, please submit the up to date document and indicate you have done so in the checklist in Section 7 of Part B.**

- 3.5 Contact details of the individual duly authorised by the applicant for the purposes of making this application. This individual should be the company secretary or a director.

Full name	Jason Bryant
Job title	Executive Chairman, Nation Broadcasting Ltd
Address	St Hilary Transmitter, Nr St Hilary, Cowbridge, Vale of Glamorgan CF71 7DP
Telephone	029 21414100 (please use mobile number below)
Mobile phone	Mobile number is submitted in confidential appendix B
Email	<a href="mailto:jason.bryant@nationbroadcasting.com">jason.bryant@nationbroadcasting.com</a>

## Ownership and control of company which will hold the licence

### Details of officers, participants and shareholders of the applicant

- 3.6 Please provide the following details for each director or designated member of the applicant:

Full name of individual	Correspondence address <sup>1</sup>	Country of residence	Other officerships held (and nature of the business concerned)	Other employment
Jason Bryant (Director of applicant)	St Hilary Transmitter, Nr St Hilary, Cowbridge, CF71 7DP	England	A full list of directorships is enclosed in confidential appendix B	Executive Chairman, Nation Broadcasting Ltd

<sup>1</sup> This should be the same address as is held and published by Companies House.

3.7 Please identify any entities with which the applicant is affiliated:

(If this question is not applicable to the applicant please respond “N/A” in the table.)

Full name of the entity	Address
Muxcast Two Limited is a wholly owned subsidiary of Nation Broadcasting Limited We have included in Appendix A to the confidential section the entire corporate structure of Nation Broadcasting and in Appendix B the personal equity shareholdings and Officerships of all Directors of Nation Broadcasting Limited	

3.8 Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled by the applicant, and their affiliates:

Full name of entity	Address	Affiliates
Muxcast Two Limited is a wholly owned subsidiary of Nation Broadcasting Limited. No bodies are controlled by the applicant. We have included in Appendix A to the confidential section the entire corporate structure of Nation Broadcasting and in Appendix B the personal equity shareholdings and Officerships of all Directors of Nation Broadcasting Limited		

3.9 Complete the following table, expanding it if necessary, to list all persons who control the applicant, together with their affiliates. If any persons or bodies control the applicant jointly because they act together in concert (e.g. because of a shareholder’s agreement), each such person must be identified here:

Full name of individual or body	Address	Affiliates
Nation Broadcasting Limited 100% shareholder of applicant	St Hilary Transmitter, St Hilary, Cowbridge. CF71 7DP	See confidential appendix A

3.10 Complete the following table, expanding it if necessary, to list all officerships in other bodies that are held by any individual listed in response to question 3.9, and any affiliates of those bodies:

Full name of individual	Name of body in which officership held	Affiliates of that body

Muxcast Two Limited is a wholly owned subsidiary of Nation Broadcasting Limited  
 We have included in Appendix A to the confidential section the entire corporate structure of Nation Broadcasting and in Appendix B the personal equity shareholdings and Officerships of all Directors of Nation Broadcasting Limited

3.11 Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled by any body corporate listed in response to question 3.9, and their affiliates:

Full name of body corporate listed in 3.9	Body corporate controlled	Affiliates of body corporate controlled
Nation Broadcasting Limited	See confidential appendix A	See confidential appendix A

3.12 Complete the following table, expanding it if necessary, to list all bodies which hold or are beneficially entitled to shares, or who possess voting powers, amounting to more than 5% in the body corporate concerned (“participants”). You may, but are not required to, exclude from this table any bodies listed in response to question 3.9. If you are unable to provide a complete answer to this question in relation to beneficial owners, please state whether you have any reason to suspect the existence of any beneficial owners.

Muxcast Two Limited				
Full name of >5% participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
Nation Broadcasting Limited	100	100	100	100
Comments				
Nation Broadcasting Limited				
Full name of >5% participant	Number of shares	Total investment (£s)	Total investment (%)	% of voting rights
Jason Scott Bryant	5100	51	51	51
Corrina Dawn Bryant	4900	49	49	49
Comments				
In relation to this section a list of officerships and equity shareholdings for all Directors of Nation Broadcasting Limited is contained in Appendix B				

## Involvement of the applicant in specified activities

3.13 Please state below whether the applicant, or any of the directors, shareholders or other individuals named above, including their associates (i.e. directors of their associates and other group companies), is, or is involved in, any of the below, and the extent of that interest.

Activity/involvement	Yes or No	Please state who is involved; the name of the body/individual/agency they are involved with; and the extent of their involvement
A local authority	No	
A body whose objects are wholly or mainly of a political nature, or which is affiliated to such a body	No	
A body whose objects are wholly or mainly of a religious nature; <sup>2</sup>	No	
An individual who is an officer of a body falling within (b) or (c);	No	
A body corporate which is an associate (as defined in paragraphs 1(1) and 1(1A) of Part I of Schedule 2 to the Broadcasting Act 1990) of a body falling within (b) or (c);	No	
An advertising agency or an associate of an advertising agency	No	

## Details of applications, licences and sanctions

3.14 Is the applicant a current licensee of Ofcom?

<sup>2</sup> Please refer to Sections 3 to 5 of [Ofcom's religious guidance note](#) for details on how we determine the eligibility of religious bodies to hold certain broadcasting licences.

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**No** (delete as appropriate).

If yes, please provide the licence details expanding the table if necessary:

Licence number	Name of multiplex

3.15 Has the applicant held an Ofcom broadcasting licence before?

**No** (delete as appropriate).

Licence number	Name of service or multiplex

3.16 Has anyone involved in the proposed service, held an Ofcom broadcasting licence or been involved in an Ofcom-licensed broadcast service before?

**Yes** (delete as appropriate).

If yes, please provide the details expanding the table if necessary:

Dates licence was held or dates of involvement	Licence number (if known)	Name of service or multiplex
Various	Various	A table of current Nation Broadcasting Licenses and licenses connected to Nation Broadcasting Limited and its shareholders is included in confidential appendix C

3.17 Does the applicant control an existing Ofcom licensee?

**No** (delete as appropriate).

If yes, please provide the licence details expanding the table if necessary:

Licence number	Name of service or multiplex

3.18 Is the applicant controlled by an existing licensee or by any person who is connected (within the meaning of Schedule 2 to the Broadcasting Act 1990) with an existing licensee (i.e. as a “participant”)?

**Yes** (delete as appropriate).

If yes, please provide the following information, expanding the table if necessary:

Licence number	Name of service or multiplex
Various	
See answer to 3.16 for a table of licenses controlled or connected to Nation Broadcasting Limited and shareholders of Nation Broadcasting in a personal capacity.	

3.19 Has the applicant made any other application to Ofcom (or its predecessor broadcast regulators – the Independent Television Commission and the Radio Authority) for any licence which has since been surrendered by the licensee or revoked by Ofcom (or one of its predecessor regulators)?

**No** (delete as appropriate).

If yes, please provide the following information, expanding the table if necessary:

Licence number	Name of service or multiplex

3.20 Is the applicant subject to any current or pending investigation by any statutory regulatory or government body in the United Kingdom or abroad in respect of any broadcast-related matter?

**No** (delete as appropriate).

If yes, please provide the following details expanding the table if necessary:

Licence number (or equivalent)	Name of service or multiplex	Details of the investigation

- 3.21 Has the applicant – or any person(s) controlling the applicant – ever been subject to a statutory sanction for contravening a condition of a broadcasting licence in the UK or any other jurisdiction?

**No** (delete as appropriate).

If yes, please provide the following details relating to each sanction expanding the table if necessary:

Licence number (or equivalent)	Name of service or multiplex	Nature of the breach	Sanction imposed	Date sanction imposed

- 3.22 In relation to any of the directors, shareholders or other individuals named in this application, please provide any information which you think may be a relevant consideration for Ofcom in determining whether or not the applicant is fit and proper to hold a Broadcasting Act licence.

If you have no information to provide, please respond “N/A”.

N/A
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- 3.23 Has the applicant – or any person(s) controlling the applicant – ever been convicted of an unlicensed broadcasting offence?

**No**

If yes, please provide the following details:

Full name	Date of conviction/action (dd/mm/yy)	Penalty

## Financial and business plan

- 3.24 Explain how the applicant considers it will be able to establish its proposed service. This should include an explanation of the costs required to establish the multiplex service, and how these costs will be met:

The applicant is a wholly owned subsidiary of Nation Broadcasting Ltd.

Nation is the UK's third largest operator of local commercial radio licences and has interests in a number of local DAB multiplexes across the UK. It has considerable DAB launch and operating experience, including in SSDAB, having owned and operated the Glasgow trial multiplex since 2018. We invested a considerable amount of money to improve the stability and performance of this SSDAB multiplex. We have the scale and track record to deliver a comprehensive SSDAB solution in Scotland's capital city.

The applicant will utilise its existing broadcast business in Scotland as a foundation to successfully launch in Edinburgh. We will promote the launch of the multiplex on our multiple FM transmitters across Central Scotland so that listeners travelling across the Central Belt are aware of new DAB services. We will also work closely with our service providers in community radio/ C-DSP services in the city to promote the launch of SSDAB in Edinburgh.

Our experience gives us full knowledge of the costs and risks associated with the launch and operation of the multiplex. Our group infrastructure means that we have the benefit of an existing credit and finance team and access to existing group agreements in areas such as insurance and technology. This means the SSDAB multiplex can focus on providing an excellent service to listeners and its service providers.

We will fund the capital spend of transmitter and associated equipment through loans from our parent company, Nation Broadcasting Ltd. We will contract with the transmitter site owners for rental. Multiplexing software will be sourced from the world's leading multiplex software firm Factum Radioscape, a majority Nation owned company. Day to day operating costs will be met through renting capacity on the multiplex to third parties.

We propose to charge local community operators who hold a C-DSP licence on a de minimis basis. This is because we know that these services are run as not for profit operations and we want to help them keep costs down. We will charge third party operators a monthly fee.

Any shortfall/losses will be borne by our parent company, Nation Broadcasting Ltd, though our projections show that we will operate the Edinburgh SSDAB licence at an operating profit based on strong demand for capacity.

3.25 Detail the sources of finance that will be used to fund the multiplex service, under the following headings:

- a) Share capital
- b) Loan stock
- c) Leasing/HP facilities (capital value)
- d) Bank overdraft



- e) Grants and donations
- f) Other (please specify)

The answer to this question is included in Confidential Appendix M

- 3.26 Provide evidence that sufficient funds are available to each investing shareholder to cover their proposed investment. For incorporated investing shareholders, provide a copy of the most recent statutory accounts.

These are provided to Ofcom in Confidential Appendix M.  
Statutory accounts of incorporated investing shareholders are included in Confidential Appendix G.

- 3.27 All of the funding identified above should be confirmed. If any funding has not been confirmed, or if there are any pre-conditions before the funding is released which have not yet been met, provide an explanation of what needs to be done, the dates by which it needs to be carried out, and any steps the applicant needs to take to ensure the funding is confirmed and/or released.

All funding is confirmed.

## Relevant expertise and experience

- 3.28 Please provide details of who will be responsible for the day-to-day general management of the multiplex service (for example, dealing with programme service providers and contractual matters). Please also briefly state their previous relevant experience. (Note that any individuals or contractors who cannot be identified at this stage can instead be included in the confidential section (Part B) of the application form.)

We are fortunate to have access to a number of individuals with significant DAB expertise. This expertise will ensure a smooth, professional launch and successful ongoing operation of the multiplex.

Day-to-day management of the multiplex will be outsourced under contract to UK DAB Networks Ltd, a new DAB multiplex consultancy company owned and managed by Ash Elford.

Ash has been Nation’s DAB Platform Manager for several years now and has overseen the significant improvement in the reliability, coverage and services on the SSDAB Glasgow trial, whilst also running the SSDAB Portsmouth trial. Ash was previously engaged in the DAB digital radio team at Arqiva. We are delighted that Ash will play such a key role at the heart of our SSDAB operations.

Jason Bryant has been involved in the development and rollout of DAB in the UK since the launch of the first national multiplex in 1999. He represented the original Talk Radio and Virgin Radio channels on Digital One. He has won and launched a large number of DAB multiplexes – including in London, Scotland and Wales. Jason led Nation Broadcasting’s investment in Factum Radioscape, one of the World’s leading software providers of DAB multiplex software and monitoring systems.

Martin Mumford, Nation’s Managing Director will be responsible for the finance and compliance functions. Martin has longstanding experience in managing successful multiplex businesses and oversaw the operational turnaround of the Edinburgh trial SSDAB.

- 3.29 Please provide details of who will be carrying out the installation and on-going maintenance of your multiplexing / transmitter equipment (or the name of your proposed transmission and multiplex provider if you intend to use a third-party organisation for these services). Please also briefly state their previous relevant experience. (Note that any individuals or contractors who cannot be identified at this stage can instead be included in the confidential section (Part B) of the application form.)

<b>Function</b>	<b>Responsible party</b>	<b>Previous experience</b>
Installation of transmission equipment	Commtronix Ltd	Significant experience of installation of DAB transmission systems for small and large broadcasters.
Ongoing maintenance of the transmission equipment	Commtronix Ltd	Significant experience of maintenance of DAB transmission systems for small and large broadcasters.
Installation of the Multiplexing equipment	Factum Radioscape Ltd	Significant experience of installation of DAB multiplexing systems for small and large broadcasters.

Day-to-day technical management and maintenance of the multiplexing equipment (if different from response to question 3.28 above)	UK DAB Networks Ltd	Significant experience of DAB multiplex management.
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## Timetable for coverage roll-out

- 3.30 In no more than 250 words, please tell us how soon after licence award you expect your multiplex service to become operational and achieve the coverage you are proposing. Please provide an outline project plan with timeline (e.g. a Gantt chart or similar) showing the high level activities and tasks leading up to the launch of your multiplex service:

Our plans for Edinburgh include the provision of four transmission sites. We expect the multiplex to be operational within 12 months of licence award.

Multiplexing and encoding will be done using the Factum Radioscape Enmuxa platform which provides a world leading multiplexing system providing good quality audio on a robust system. The Enmuxa platform is highly flexible and will be ready in ample time before launch.

In addition to the technical requirements, soon after award we will commence the procurement of telecoms and establish transmission contracts with service providers.

A project plan is included in Appendix I.

We are experienced in the establishment of multiplexes from application through to launch and will capitalise on this to ensure a smooth launch of the multiplex.

## 4. Involvement of C-DSP providers; demand or support from programme providers

### About this section

Section 51(2)(ca) of the 1996 Act requires Ofcom to take into account the desirability of awarding a small-scale radio multiplex licence to a body corporate that is providing – or proposing to provide – a C-DSP service in the locality being advertised (or involving such a person as a participant in the licence-holding company).

Section 51(2)(f) of the 1996 Act requires Ofcom to take into account evidence that the applicant has support from providers interested in having their existing or planned programme services carried on the proposed multiplex.

Note that we do not require applicants to provide us with a full-line up of services they intend to provide, or details about the content of those services.

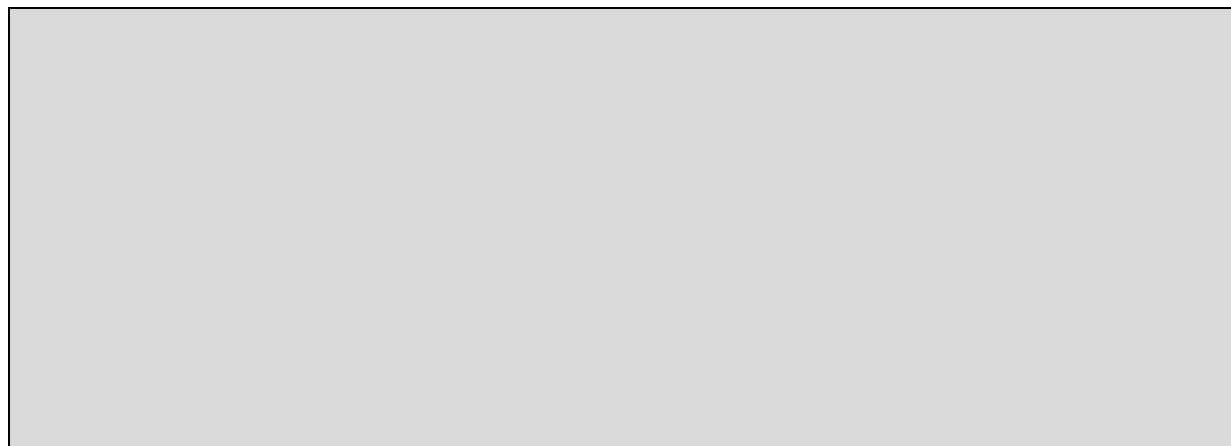
### Involvement of C-DSP providers

4.1 Is the applicant body proposing to provide its own C-DSP service on the multiplex?

**NO** (please delete accordingly)

4.2 If the answer to the above question is 'yes', please provide a name and brief details of this proposed service. If the service is already licensed by Ofcom, the licence number should be provided:

4.3 If the answer to the above question is 'no', please provide details of any participant in the applicant body that is proposing to provide a C-DSP service on the multiplex. If the service is already licensed by Ofcom, the licence number should be provided:



## Demand or support from programme providers

- 4.4 Please provide any evidence which has been gathered of support for the provision of the proposed multiplex service among providers or prospective providers of community or local digital sound programme services in the area to be served by the multiplex service:

The Act is clear that it is desirable to provide a platform for C-DSPs. We have made plentiful provision for community radio and services operating under a not-for-profit basis.

In Edinburgh, we have involved community radio operators and those who will likely operate services under a C-DSP licence. Our commitment is evidenced by our track record of giving these broadcasters capacity at nil cost for our nearby Glasgow trial multiplex. This is a record of which we are proud and which we wish to bring to other areas.

We propose the following C-DSP services to be carried on the Edinburgh SSDAB multiplex.

- BFBS Scotland – Existing FM community broadcaster
- Black Diamond FM – Existing FM community broadcaster

We also propose to offer carriage to Sam Radio on the same terms. We are aware that Sam Radio is participating in another licence application, so we did not approach them directly. However, given our coverage plans and our offer to provide access to the platform at a de minimis rate, we believe that they will accept an offer of carriage from us, should we be successful. For clarity, all C-DSP providers will be offered identical terms for reserved capacity.

More generally, for DSPS providers, given our trial in Glasgow, the publicity and response to our published plans, and the fact that our team is well known and highly regarded in the industry, we have not been surprised to receive substantial interest from putative operators in Edinburgh.

Consequently, the SSDAB multiplex will launch with a strong line up of commercial programme services and we have submitted our preferred line up of services confidentially to Ofcom, based on a number of factors including track record, variety and localness.

Full details about contact with prospective service providers is included in Confidential Appendix K.

## 5. Fair and effective competition

### About this section

Section 51(2)(g) of the 1996 Act requires Ofcom to assess whether, in contracting or offering to contract with programme service providers, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of community and local digital sound programme services.

In assessing applications, we need to have confidence that the prospective small-scale radio multiplex licensee has approached a wide range of potential service providers. Negotiations that have taken place between the applicant and potential service providers need to have been demonstrably fair, and the terms of any contract for service provision must be fair and non-discriminatory.

Applicants should note there are two further questions relating to fair and effective competition in Part B of the application form.

- 5.1 Please detail the measures that have already been taken, and will be taken before and during the licence period, to demonstrate that, in contracting or offering to contract with programme services providers, the applicant has acted in a manner calculated to ensure fair and effective competition in the provision of such services:

In preparation for our licence application, we have made several announcements to the trade press through 2020 inviting interested broadcasters to talk to us. We have also invited broadcasters that we have relationships elsewhere with to join our application.

As a minimum we will:

- Provide a website and social media channels regularly inviting interested broadcasters to contact us
- Publish a ratecard for multiplex capacity
- Provide capacity at a de minimis rate to C-DSP services, making use of reserved capacity
- Work to ensure that multiplex is as fully utilised as possible
- Allocate capacity in a way that promotes the greatest diversity of formats and providers in the event of demand for multiplex capacity exceeding supply.

## 6. Declaration

### About this section

This form must be submitted by the body corporate which will hold the licence. The declaration must be certified by a company director or the company secretary, and covers all information provided by the applicant in both Part A and Part B of the application form. The declaration must also be dated.

- a) I hereby apply to Ofcom for the grant of a licence for the small-scale radio multiplex licence described above and declare that the information given in this application form is, to the best of my knowledge and belief, correct.
- b) I further declare and warrant:
  - i) that the applicant is not a disqualified person within the meaning of that expression as defined in Part 2 of Schedule 2 to the Broadcasting Act 1990, as amended, or as a result of a disqualification order under section 145 of the Broadcasting Act 1996;
  - ii) that having made all reasonable enquiries neither the applicant nor any person controlling the applicant, as result of the grant to me of the licence, breach any requirement of Schedule 14 to the Communications Act 2003 with regard to the accumulation of interests in broadcasting services or to the restrictions on cross-media interests;
  - iii) that the applicant is not disqualified by virtue of the provisions of section 143 (5) of the Broadcasting Act 1996 in relation to political objects and the provisions of section 144 (3) of the Broadcasting Act 1996 in relation to the provision of false information or through the withholding of information with the intention of misleading Ofcom; and
  - iv) that no director or person concerned directly or indirectly in the management of the Licensee is the subject to a disqualification order as defined by section 145 (1) of the Broadcasting Act 1996.
- c) I understand that Ofcom reserves the right to revoke the licence (if granted) if at any time any material statement made to Ofcom is found to be false and to have been by the applicant or any member or officer thereof knowing it to be false. I also understand that under sections 144 and 145 of the Broadcasting Act 1996, the provision of false information could incur a criminal conviction and a disqualification from the holding of a Broadcasting Act licence. I further certify that, to the best of my knowledge, any matters which might influence Ofcom's judgement as to whether the directors and substantial shareholders involved in this application are fit and proper persons to participate in a radio licence, have been made known to Ofcom.



Full name (BLOCK CAPITALS) of the person authorised to make the application of behalf of the applicant:

JASON SCOTT BRYANT

Date of application:

23/11/20

I am authorised to make this application on behalf of the applicant in my capacity as (delete as appropriate):

Company Director.

A handwritten signature in black ink, appearing to read 'J. Scott Bryant', written in a cursive style.

You now need to complete the **confidential section (Part B)** of the application form.