

Small-scale radio multiplex licence award: North Somerset

Background

Ofcom has decided to award a new small-scale radio multiplex licence for North Somerset to Bath Digital Radio CIC.

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 28 January 2025, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex services in localities including North Somerset.

By the closing-date of 29 April 2025, Ofcom had received one application for North Somerset. This was from Bath Digital Radio CIC ("BDR"). 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 no comments were 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 North Somerset was made at an Ofcom decision meeting on 24 October 2025. The meeting carefully considered the application and professional advice from Ofcom colleagues involved in assessing the application. The statutory criteria were applied to reach a decision on whether to award a licence to the sole applicant. Reasons for the decision to award a licence to BDR are summarised below.

In relation to section 51(2)(a), the applicant proposed using one transmitter to provide its service. Ofcom calculations indicate that this would result in just over 49% 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 under 40% of the population in the licensed areas of the overlapping Somerset and Bristol & Bath local radio multiplexes, and Ofcom therefore considered no mitigation was required to comply with this threshold. In relation to overspill, Ofcom's [statement on licensing small-scale DAB](#) in 2020 said that, "overspill should be as limited as reasonably possible and, in any event, not generally exceed 30% of the population contained within the original polygon". In this case, whilst overspill outside the advertised area was predicted to be marginally below 30%, there was a material degree of overspill into the Bridgwater locality (in relation to which an award has been made but the service has yet to launch). On balance Ofcom considered the level of overspill, whilst high, did not require further mitigation given most of the town of Bridgwater is not expected to be covered and the overspill was an inevitable result of seeking to cover the western periphery of the advertised area. Ofcom also considered no further mitigations were likely to be necessary to address hole punching or interference, albeit drive testing would be needed to confirm the hole punching impact and there was some possibility further mitigation may be needed. Ofcom noted that coverage of the advertised area was partial, with reasonable coverage of two population centres (Cheddar and most of Glastonbury) but not of two others (Wells and Shepton Mallet). Overall, Ofcom considered coverage was adequate, and sufficient to justify award to the sole applicant given this is an area which is somewhat challenging to cover because population is divided across several population centres.

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. In relation to finances, Ofcom noted that there was some reliance on grants and donations which carries a level of uncertainty, and that the level of demonstrated demand was relatively low (see below) creating further potential issues over funding establishment of the service. However, whilst the use of a single transmitter site contributed to limitations in coverage (as noted above), it also limited likely complexity and cost. Both the applicant and its chosen technical contractor also had relevant experience in establishing small-scale multiplexes. As such, notwithstanding the issues noted, Ofcom considered the prospect of the service being established within the 18-month period allowed by legislation was sufficient to justify award to the sole applicant.

In relation to section 51(2)(ca), the applicant does not itself propose to provide a C-DSP service in the advertised area, nor does it have as a participant a person proposing to do so. Ofcom noted that 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. The applicant provided no evidence of demand and support from prospective C-DSP services, but provided letters of intent from four other DSP services. Ofcom noted that this represented a modest level of demand and support and reflected the position of BDR's other small-scale multiplex in Bath & Midsomer Norton, which until recently carried only one programme service. Whilst interest appeared sufficient to justify award to the sole applicant, Ofcom noted it would be imperative for the applicant to extend outreach between award and launch both to ensure the longer-term viability of the multiplex and to make good use of the spectrum allocated for it.

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, Ofcom noted that outreach appeared to have been limited based on expressions of interest and on very low levels of carriage of services on the applicant's existing multiplex in Bath & Midsomer Norton, and this was a concern in the context of a multiplex service where the frequency allocated is intended to accommodate multiple services. Whilst there is no direct obligation on applicants or licensees actively to contact prospective services, all small-scale multiplexes have licence obligations requiring publication of a rate card for coverage and protecting fair and effective competition in entering or offering to enter agreements with prospective service providers.

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 2025