

# Small-scale radio multiplex licence award: Nuneaton & Hinckley

## Background

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Ofcom has decided to award a new small-scale radio multiplex licence for Nuneaton & Hinckley to Maxxwave 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

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

By the closing-date of 18 July 2024, Ofcom had received one application for Nuneaton & Hinckley. This was from Maxxwave Limited ("Maxxwave"). 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 Nuneaton & Hinckley was made by a panel of Ofcom decision makers which convened on 1 May 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 Maxxwave 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 71% 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 area of the overlapping Coventry local radio multiplex. Notwithstanding that one of the transmitters was itself proposed to be outside it, coverage overspill outside the advertised area was nevertheless predicted to be under 30% of the population of the advertised area. Ofcom therefore considered no mitigations were required to comply with the overlap and overspill thresholds. Ofcom also considered that mitigations were unlikely to be necessary to address hole punching or co-channel interference, albeit a drive survey will be required to confirm hole punching is within sensitivity thresholds. Decision makers noted that predicted coverage was good, including robust coverage of the key population centres of Nuneaton, Hinckley and Bedworth.

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 permissions and site agreements were already in place, substantially reducing the complexity and likely cost of establishing the service, while the applicant and the sole owner of the applicant had been involved with others in the successful launch of previous small-scale multiplexes. Decision makers therefore had a good level of confidence that the multiplex would be capable of being established within the 18-month period allowed by legislation.

In relation to section 51(2)(ca), it was noted that no prospective providers of C-DSP services were participants in the applicant company. 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 other DSP services) in the advertised area. Two prospective C-DSP services had indicated an interest in providing a service, including an existing hospital radio service in Nuneaton as well as a service based in Leicester (albeit this would need to establish a studio in the licensed area in order to operate as a C-DSP service in Nuneaton & Hinckley). There was some evidence of demand from seven other DSP services, albeit the evidence provided did not indicate discussions were particularly far advanced. Decision makers noted this represented sufficient interest to justify award to the sole applicant, albeit it would be important for the applicant to do more work on outreach following award to underpin the longer term viability of the 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.

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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