

Small-scale radio multiplex licence award: Banbury & Bicester

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Banbury & Bicester 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

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

By the closing-date of 29 April 2025, Ofcom had received one application for Banbury & Bicester. 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 Banbury & Bicester was made at an Ofcom decision meeting on 12 September 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 Maxxwave are summarised below.

In relation to section 51(2)(a), the applicant proposed using three transmitters to provide its service. Ofcom calculations indicate that this would result in just over 51% 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 area of the overlapping Oxfordshire, Northamptonshire, Coventry, and Herts, Beds & Bucks local radio multiplexes. Ofcom therefore considered no mitigations were required to comply with the overlap threshold. In relation to the overspill threshold, however, coverage outside the advertised area was predicted to be substantially over 30% of the population of the advertised area. The reason for this related entirely to the transmitter site in Courteenhall. Ofcom's published [guidance notes](#) to applicants and licensees state, *"Transmitters are expected to be located within the advertised licence area, although in certain circumstances a site which is a short distance outside the advertised area may be acceptable, for example if it is the most practical option for serving a particular population centre within the advertised area"*. In this case, the Courteenhall site proposed was substantially outside the advertised area and did not appear to represent a practical option for serving a particular population centre within it. Indeed, its inclusion added only very marginally to coverage within the advertised area and the impact was almost entirely to provide coverage in population centres outside the advertised area near to Northampton to the north east. Ofcom noted that there is a mechanism under section 54A(2) to apply for variations following establishment of a service but, where this entails extension to include an adjoining area or locality, consultation is required which would provide an opportunity for current and prospective licensees in neighbouring areas, amongst others, to comment on proposals. Given the substantial breach of the overspill threshold, clear departure from published guidance, negligible contribution of the Courteenhall site to coverage within the advertised area, and fact that legislation provides a route for extension at a later date and with consultation, Ofcom concluded that the only acceptable mitigation would be to establish the service without the Courteenhall transmitter but with the two other transmitters at Banbury and Brackley.

Based on the remaining two transmitters, Ofcom calculations indicate that this would result in just over 50% of the adult population in the advertised licence area being able to receive the service, with no mitigations required to comply with the overlap or overspill thresholds. Ofcom considered it possible that mitigation may be required to address hole punching associated with the Brackley transmitter, although it is more likely (subject to drive testing) that this additional mitigation would not be necessary. Decision makers noted that predicted coverage was reasonable in the context of a single transmitter plan, including robust coverage of Banbury and Brackley, albeit this would not extend to the significant population centre of Bicester.

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. Ofcom noted that the applicant had site agreements in place and owned transmission and multiplexing equipment. Additionally, while the applicant clearly wanted to proceed with a three transmitter plan, using two transmitter sites would further limit the likely cost and complexity of establishing the service. The applicant itself had a good level of experience in establishing small-scale multiplexes and Ofcom considered there was a good prospect of the service being established within the 18-month period allowed by legislation.

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 stated that interest had been expressed in carriage by 15 prospective DSP services had expressed an interest in carriage, albeit direct evidence had only been supplied in respect of six of these. The applicant did not provide evidence of support from C-DSP services. Ofcom noted this represented a reasonable base level of demand, although it was not clear discussions were at an advanced stage given the level of evidence provided, and the lack of C-DSP services was disappointing (albeit in the context of an area with relatively little community radio activity and correspondingly modest reservation of capacity for such services). It would be important for the applicant to build on existing support in order to secure the longer term viability of the multiplex.

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, the relatively modest evidence of demand and support suggested further outreach should be a priority between award and launch.

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. Indeed, the assessment and award are based on only two of the three applied for transmitters being implemented for the reasons set out above. 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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