

Small-scale radio multiplex licence award: Rugby & Daventry

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Rugby & Daventry 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 Rugby & Daventry.

By the closing-date of 29 April 2025, Ofcom had received one application for Rugby & Daventry. 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 Rugby & Daventry 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.

Ofcom noted that the applicant had, as part of its application, taken the opportunity to restate its view that the areas covered in the advertised area would have been more appropriately included in other advertised areas (with Rugby included in the Nuneaton & Hinckley area and Daventry added to Banbury & Bicester). Ofcom has, however, assessed the application on the basis of the area actually advertised and would proceed in due course to grant a licence at launch on that same basis. 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, or reducing the areas in which a service is required to be made available, consultation is required which would provide an opportunity for current and prospective licensees in neighbouring areas, amongst others, to comment on proposals.

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 approximately 78% 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 Coventry, Northamptonshire and Leicestershire local radio multiplexes, and overspill outside the advertised area was 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 considered mitigation in the form of power reduction at one site would be required to address hole punching issues, reducing predicted coverage slightly to just over 74%. Ofcom considered this to represent a good level of coverage, including robust coverage of the largest population centres of Rugby and Daventry.

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 owns the Rugby transmitter site and transmission and multiplexing equipment, albeit establishing at the Daventry site would appear to require further steps in relation to relevant permissions. The applicant itself had a good level of experience in establishing small-scale multiplexes and Ofcom considered there was a reasonably 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 provided evidence of interest from one prospective C-DSP service, although Ofcom noted this would need to have a studio in the locality (which did not appear to be the case at present) in order to operate as a C-DSP. The applicant

provided evidence of interest from two other DSPs. Ofcom noted this represented a very modest level of expressed demand and support, and that it would be important for the applicant to build support between award and launch of the service. However, the good level of coverage proposed in two significant towns provided a good basis for doing so.

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 very modest level 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. 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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