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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):**

Higher Rhythm Limited

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

Doncaster

# Contents

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## Section

|                                                                               |    |
|-------------------------------------------------------------------------------|----|
| 1. Overview                                                                   | 1  |
| 2. Extent of proposed coverage area                                           | 6  |
| 3. Ability to establish the proposed service                                  | 8  |
| 4. Involvement of C-DSP providers; demand or support from programme providers | 18 |
| 5. Fair and effective competition                                             | 20 |
| 6. Declaration                                                                | 21 |

# 1. Overview

## 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 separately.
- 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.

## How to complete the form

- 1.3 There are detailed instructions on how to complete this form, and information on the next steps in the application process, in our [guidance notes](#) for licence applicants and licensees. Please read this guidance and the frequently asked questions carefully before completing this form.
- 1.4 If you still have a query having read the guidance and FAQ, you can contact Ofcom's Broadcast Licensing team by email ([smallscaledab@ofcom.org.uk](mailto:smallscaledab@ofcom.org.uk)). The team cannot provide advice or pre-approve applications but can answer general questions.
- 1.5 Please download this form and fill it in on a computer. If completing by hand, please use block capitals and black ink.
- 1.6 Please answer all the questions as fully as possible, use extra sheets if required and provide the supporting documentation listed at Section 7 of Part B of the application form. Sufficient information must be supplied about the applicant and the proposed service to enable Ofcom to consider the application in accordance with the statutory criteria for the granting of small-scale radio multiplex licences. Ofcom may need to request further details from you before a licence can be granted.
- 1.7 Ofcom reserves the right to reject applications made using an old version of the form.
- 1.8 Ofcom will accept handwritten application forms, but they must be filled in using block capitals and black ink.
- 1.9 Ofcom reserves the right to reject application forms that are illegible.
- 1.10 You must answer all questions in the application form and respond "N/A" to any questions that do not apply to the applicant.
- 1.11 Ofcom reserves the right to reject applications which do not meet the following criteria:

- a) The declarations in Section 6 of this form and in Section 8 of Part B of the application form must both be signed and dated.
  - b) The person who signs and makes the declaration on behalf of the applicant must be:
    - i) A director of the company or the company secretary where the applicant is a company.
    - ii) A designated member where the applicant is a Limited Liability Partnership.
  - c) All supporting documents as requested in the checklist at Section 7 of Part B of the application form must be supplied in legible form and translated into English where applicable.
- 1.12 If you are completing the form as an agent, i.e. you are acting on the applicant's behalf, please note that you cannot sign it on your client's behalf, and that the person signing the form needs to have personally checked the truth and completeness of the responses given. If your client wishes you to be Ofcom's main contact in relation to the application, please make this clear in an accompanying letter, and provide evidence of your authority to act on behalf of the applicant. The form should be filled in so as to include information about the applicant, not the agent. If Ofcom has further questions once the application has been submitted, we will direct these to the applicant, not to the agent, but we will accept responses from the agent.

## How to submit the form

- 1.13 We prefer application forms and required supporting documents to be submitted by email to [smallscaledab@ofcom.org.uk](mailto:smallscaledab@ofcom.org.uk). Handwritten applications and required supporting documents should be scanned and attached to the email.
- 1.14 You should receive a response from [smallscaledab@ofcom.org.uk](mailto:smallscaledab@ofcom.org.uk) confirming that your application has been received by Ofcom. If you do not receive a response, it is likely your application has not been received and you should contact Ofcom's Contact Centre on 0300 123 3333 and ask to leave a message for the Broadcast Licensing team, who will respond to your message as soon as possible.
- 1.15 If the applicant cannot submit the application form and/or the supporting documentation by email, the applicant may submit the application and/or the supporting documentation by post to:
- Ofcom  
Broadcast Licensing  
Riverside House  
2a Southwark Bridge Road  
London  
SE1 9HA
- 1.16 Those applicants who submit their application by post will be sent an acknowledgement.

## Application fee

- 1.17 A non-refundable application fee of £500 is payable either by cheque made out to 'Ofcom' or by bank transfer.
- 1.18 Applications will not be assessed until the application fee has been received in Ofcom's bank account.
- 1.19 Ofcom requests that applicants pay the application fee by bank transfer and that immediately after the applicant has instructed their bank to make the payment, confirmation of payment is emailed to [ofcom.remittances@ofcom.org.uk](mailto:ofcom.remittances@ofcom.org.uk).
- 1.20 To ensure that Ofcom can identify the payment, it must include a payment reference which is the applicant's postcode followed by the applicant's name (or as much of the name as is possible to provide within the character limit set by the bank) as provided in response to question 3.1 of this application.
- 1.21 The bank details to be used to pay the application fee are:
- Account Name: Office of Communications
- Bank details: Lloyds Bank, 69-73 Borough High Street, London SE1 1NQ
- Account number: 00782415
- Sort code: 30-97-90
- BIC: LOYDGB21351
- IBAN: GB05 LOYD 3097 9000 7824 15
- SWIFT: LOYD GB 2L
- 1.22 If the applicant is unable to make the payment by bank transfer, a cheque should be made out to 'Ofcom' and sent in the post to Ofcom Broadcast Licensing team, Riverside House, 2a Southwark Bridge Road, London SE1 9HA. You must state the name of the applicant as provided in response to question 3.2 and proposed service name on the back of the cheque.
- 1.23 If an applicant is paying the application fee by cheque, the cheque must be received within five days of the application being received by Ofcom or the application may be rejected. If an applicant's cheque bounces, the application may be rejected.

## Supporting documentation

- 1.24 You must provide a range of supporting documentation when submitting this application form. Please refer to the checklist at Section 7 of Part B of the application form for full details. Please note that failure to supply the necessary documents will delay your application.
- 1.25 Ofcom reserves the right to reject applications with which the necessary documents are not supplied in legible form.

- 1.26 Please note that Ofcom cannot receive emails larger than 35MB. If your application email exceeds this limit, please send your supporting documents in a separate email(s), clearly indicating the applicant's name in the subject line of the email.

## Provision of information

- 1.27 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.
- 1.28 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

- 1.29 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. Because this is the 'public' part of the application form, and Ofcom is legally required to publish applications for public comments, *no questions* should be answered by means of the submission of a confidential annex. If, for logistical reasons, an annex is required to answer a question in Part A of the form, this will be published on our website alongside Part A of the application form. Part B of the application form will remain confidential.
- 1.30 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.
- 1.31 In submitting Part A of the application, you agree that Ofcom may publish contact details for the licensee, which may include personal data, on the Ofcom website and/or in other relevant publications.
- 1.32 When a licence is granted, the name of the service and public contact details for the licensee will be published on the Ofcom website. These are the details supplied by the applicant in the application form. If you have any questions about the information that we publish, or there are any changes to this information, you should contact the Broadcast Licensing team by email ([smallscaledab@ofcom.org.uk](mailto:smallscaledab@ofcom.org.uk)).
- 1.33 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

- 1.34 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 more information about how we handle your personal information and your corresponding rights.

## Keeping up to date with broadcasting matters

- 1.35 We strongly recommend that you subscribe to receive Ofcom's regular email updates on broadcasting matters. These include a [monthly radio licensing update](#) that lists new services licensed, licences revoked, licence transfers, and changes to licensed services during the past month. To subscribe to these updates, please visit [www.ofcom.org.uk/about-ofcom/latest/email-updates](http://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.

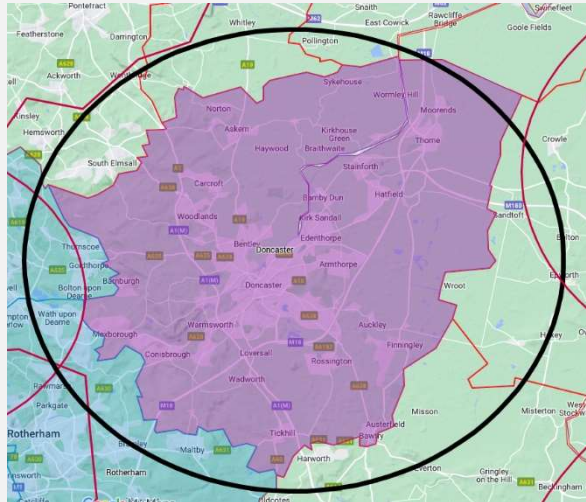
Before completing this section of the form, you should read carefully the notes on 'Extent of proposed coverage area' in Section 4 of Ofcom's [guidance notes for licence applicants and licensees](#).

Applicants should note there are confidential questions relating to extent of coverage area in Part B of the application form.

- 2.1 Please 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):



Our primary coverage objective is to reach as much as possible of the population of the City of Doncaster in a manner that is technically and economically efficient. Any coverage into the immediately adjacent populations is a bi-product of that objective and our plan does not aim to serve any population outside the advertised coverage area. The Doncaster population falls almost entirely inside the advertised coverage area as shown below:



Doncaster lies in a lowland valley in South Yorkshire with the population mainly concentrated around the city centre and in an urban axis of settlements following the River Don from Mexborough and Conisbrough in the south-west to Thorne and Moorends in the north-east, including the neighbourhoods of New Edlington, Warsworth, Armthorpe, Edenthorpe, Kirk Sandall, Barnby Dun, Hatfield and Stainforth. Other areas of relatively high population density include Bentley, Adwick Le Street, Woodlands and Carcroft to the north west; and Bessacar, Rossington, Auckley and Finningley to the south east.

To the west of Doncaster low rolling hills and eventually the Pennines form a natural topographical barrier to co-channel interference. To the north east is the River Don flood plain at close to sea level. The topography to the south east is also relatively low lying, consisting mainly of forested areas including Sherwood Forest in Nottinghamshire.

Our technical plan is based on a main transmitter being roof mounted on a high tower block in the centre of Doncaster from which over 90 per cent of our projected coverage will be achieved. We have reviewed alternative antenna configurations and concluded that an omnidirectional antenna provides the best solution within the planning constraints. Co-channel interference with permitted power level of 200W ERP is predicted to be minimal, in particular in relation to Malton, West Hull, Grimsby and Newark,.

This site alone reaches around 87 per cent of the adult 15+ population of the Doncaster local authority area with very little spill over outside the polygon and excellent coverage of the core urban areas. Achieving greater coverage within the co-channel interference constraints would require one or more low power fill-in transmitters in otherwise underserved locations with diminishing incremental improvements in total coverage.

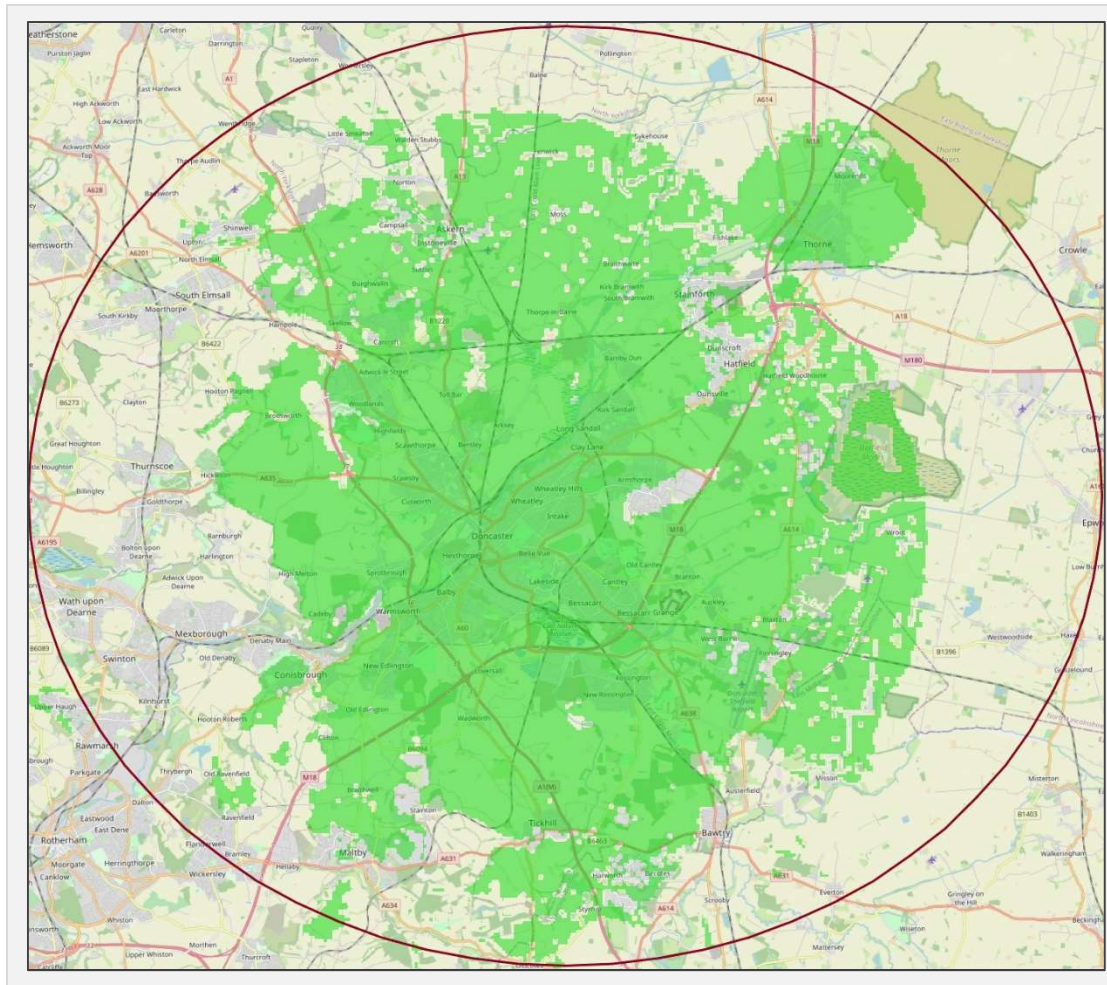
In addition to main transmitter signal attenuation to the north east, the neighbourhoods of Thorne and Moorends, which are served by the community radio station TMCR FM, fall in a topographic shadow due to low hills in Hatfield and Stainforth that consist of spoil heaps of the former coal mines. To extend planned coverage and to support the inclusion of TMCR in the DAB ensemble we have therefore included provision for a low power fill-in transmitter in Thorne to be co-located with the TMCR VHF station on a 15m lattice tower.

The addition of a fill-in at Thorne increases population coverage to around 90 per cent of the local authority area and over 60 per cent of the population within the advertised coverage area. Depending on actual coverage, economic performance, cost and local interest we may wish to later add fill-in transmitters at Stainforth and/or Mexborough.

- 2.2 Please provide summary details of the sites required to achieve this coverage by completing the table below (add additional rows as required):

| Site name              | NGR      | Antenna height (m agl) | Antenna type proposed with bearing | New or existing antenna | ERP (W) |
|------------------------|----------|------------------------|------------------------------------|-------------------------|---------|
| Silverwood House       | SE572024 | 52m                    | Collinear, omnidirectional         | New                     | 200W    |
| Thorne – Bridge Street | SE689131 | 16m                    | Collinear, omnidirectional         | New                     | 25W     |

- 2.3 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.



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

|                                                                                                             |                                                        |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Provide the name and version of the prediction tool used.                                                   | HTZ Communications (V23.5.4 x64)                       |
| Detail the terrain model used by the software and its resolution.                                           | Ordnance Survey Terrain 50m                            |
| Detail the ground cover (clutter) data used by the software and its resolution.                             | DEFRA and OSM at 50m                                   |
| What propagation algorithm has been used?                                                                   | Power sum method                                       |
| Where multiple sites are proposed, describe what methodology has been used to assess the network (SFN) gain | OFCOM provided population data used (2011 Census data) |
| If these predictions have not used Ofcom-provided population data,                                          | N/A                                                    |

|                                                                                    |                |
|------------------------------------------------------------------------------------|----------------|
| state what population data has been used and its source.                           |                |
| Have your predictions been generated by a commercial organisation? If so, by whom? | Muxnet Limited |

## 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 is requested in Part B of the application form.

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.

Applicants should note there are confidential questions relating to extent of coverage area in Part B of the application form.

### Applicant's details

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

Higher Rhythm Limited

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

06274005

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:

Higher Rhythm Ltd.  
53-57 Nether Hall Road  
Doncaster  
South Yorkshire  
DN1 2PG

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

**Yes**

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

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

### Details of officers

- 3.5 Please complete the following table, expanding it if necessary, to provide the following details for each director or designated member of the applicant (i.e. the body corporate that will hold the licence):

| Full name of individual         | Correspondence address <sup>1</sup>                                       | Country of residence | Other officerships held (and nature of the business concerned) | Other employment                                          |
|---------------------------------|---------------------------------------------------------------------------|----------------------|----------------------------------------------------------------|-----------------------------------------------------------|
| Martin Philip Abonyi            | Higher Rhythm, 53-57 Nether Hall Road, Doncaster, South Yorkshire DN1 2PG | U.K.                 | The Sofa Web and Design Limited (graphic design, marketing)    |                                                           |
| Gwynfor Dafydd ap Rhun ap Harri | Higher Rhythm, 53-57 Nether Hall Road, Doncaster, South Yorkshire DN1 2PG | U.K.                 | Realsmart Learning Ltd (educational technology)                | CEO, XP School Trust Limited (multi-academy school trust) |
| Karl Sparrow                    | Higher Rhythm, 53-57 Nether Hall Road, Doncaster, South Yorkshire DN1 2PG | U.K.                 |                                                                | Manager, Ardagh Group (manufacturing)                     |

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

## Details of participants

- 3.6 Please complete the table overleaf, expanding it if necessary, to list all bodies or individuals which hold or are beneficially entitled to shares, or who possess voting powers, in the applicant (i.e. the “participants”). 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.

(If parts of this question are not applicable to the applicant – for example, because the applicant does not have shareholders – please respond “N/A” in the relevant parts of the table.)

| Full name of participant (existing and proposed) | Number of shares | Total investment (£s) | Total investment (%) | % of voting rights |
|--------------------------------------------------|------------------|-----------------------|----------------------|--------------------|
| N/A                                              |                  |                       |                      |                    |
|                                                  |                  |                       |                      |                    |
|                                                  |                  |                       |                      |                    |
| Comments                                         |                  |                       |                      |                    |
|                                                  |                  |                       |                      |                    |

## Details of relationships of control

- 3.7 Complete the following table, expanding it if necessary, to list any bodies corporate which are controlled *by* the applicant, any director of the applicant, any person/body corporate with control over the applicant, or any body corporate controlled by a person/body corporate controlling the applicant. Please include bodies corporate under joint control – i.e. which are controlled acting together in concert with third parties (e.g. because of a shareholder’s agreement):

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

| Full name of body corporate | Address | Person/body controlling the entity (i.e. the applicant itself or its associate) |
|-----------------------------|---------|---------------------------------------------------------------------------------|
| N/A                         |         |                                                                                 |
|                             |         |                                                                                 |
|                             |         |                                                                                 |

## Details of persons who control the applicant

- 3.8 Complete the table overleaf, expanding it if necessary, *to list all persons/bodies corporate who control the applicant*, or control any person/body corporate with control over the applicant. Please include persons or bodies that control the applicant (or body corporate with control over the applicant) jointly i.e. acting together in concert with third parties (e.g.

because of a shareholder's agreement). Please note that some of this information may repeat information provided above on shareholders and other participants in the applicant:

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

| Full name of person/body corporate | Address | Person/body controlled by the entity (i.e. the applicant itself or its associate) |
|------------------------------------|---------|-----------------------------------------------------------------------------------|
| N/A                                |         |                                                                                   |
|                                    |         |                                                                                   |
|                                    |         |                                                                                   |

- 3.9 Complete the following table, expanding it if necessary, to list other bodies in which any individual listed in response to question 3.8 is a director or designated member:

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

| Full name of individual | Name of body in which individual is a director or designated member |
|-------------------------|---------------------------------------------------------------------|
| N/A                     |                                                                     |
|                         |                                                                     |

- 3.10 Complete the following table, expanding it if necessary, to list all bodies corporate which are controlled (including jointly controlled) by any body corporate listed in response to question 3.8:

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

| Full name of body corporate listed in 3.8 | Body corporate controlled |
|-------------------------------------------|---------------------------|
| N/A                                       |                           |

- 3.11 In relation to each body corporate identified in response to question 3.8, complete the table overleaf, expanding it if necessary, to list all bodies which hold or are beneficially entitled to shares, or who possess voting powers, in the body corporate concerned (i.e. "participants"). You may, but are not required to, exclude from this table any bodies listed in response to question 3.8. 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.

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

| Name of body corporate identified in response to question 3.8 |                  |                       |                      |                    |
|---------------------------------------------------------------|------------------|-----------------------|----------------------|--------------------|
| Full name of participant                                      | Number of shares | Total investment (£s) | Total investment (%) | % of voting rights |
| N/A                                                           |                  |                       |                      |                    |
|                                                               |                  |                       |                      |                    |
|                                                               |                  |                       |                      |                    |
| Comments                                                      |                  |                       |                      |                    |
|                                                               |                  |                       |                      |                    |

## Involvement of the applicant in specified activities

3.12 Please state below whether the applicant, or any individual or body corporate identified in questions 3.5 to 3.11 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        |                                                                                                                                  |

<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.

|                                                                                                                                                                            |    |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--|
| 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

3.13 Please answer 'yes' or 'no' to the following questions about the applicant (i.e. the body corporate that will hold the licence):

a) Is the applicant a current licensee of Ofcom?

**Yes**

b) Has the applicant ever held an Ofcom broadcasting licence before?

**No**

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

**No**

d) Does the applicant control an existing Ofcom licensee?

**No**

e) 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")?

**No**

f) Has the applicant – or any person(s) controlling 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**

g) Has the applicant – or any person(s) controlling 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**

h) Is the applicant – or any person(s) controlling 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**

i) 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**

3.14 If the response to any of the questions (a) to (i) in 3.13 above is ‘yes’, please provide the details, expanding the table where necessary:

|     | Licence number(s) (if known) | Details                 |
|-----|------------------------------|-------------------------|
| (a) | CR000150BA/3                 | Sine FM Community Radio |
| (b) |                              |                         |
| (c) |                              |                         |
| (d) |                              |                         |
| (e) |                              |                         |
| (f) |                              |                         |
| (g) |                              |                         |
| (h) |                              |                         |
| (i) |                              |                         |

3.15 Please provide any further information you hold, relating to the past conduct of the applicant or those individuals listed, in regulatory matters or in matters going to honesty and/or compliance, which may be relevant to Ofcom’s consideration of whether or not the applicant is fit and proper to hold a broadcast licence. If the applicant or the form signatory fails without reasonable excuse at this point to declare any matter of which Ofcom subsequently becomes aware, and which we consider to be relevant to the applicant’s eligibility to hold a licence, we will take it into account in determining the question of whether the applicant/licensee remains fit and proper to hold a licence.

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

N/A

3.16 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<br>(dd/mm/yy) | Penalty |
|-----------|-----------------------------------------|---------|
|           |                                         |         |
|           |                                         |         |
|           |                                         |         |

## Financial and business plan

- 3.17 Please provide a high-level estimate of the costs you believe will be required to establish the multiplex service.

### Financial & business planning:

Our financial projections and business plan are rooted in careful assessment of the costs and risks associated with the launch and operation of SSDAB services. We have benefitted from the experience of specialist advisers to the project who have successfully secured SSDAB licences in other areas and have an active understanding of the SSDAB trials and the SSDAB market. We have undertaken market testing through extensive conversations with potential DSP and C-DSP customers. Our planning has been further informed by the financial and business planning experience of our CEO and company directors.

### Investment model

The business has a capital and start-up funding commitment from Higher Rhythm Limited of £35k which we have committed from our existing unrestricted reserves and cash balances. In addition, we have secured a 'Reach Fund' start-up grant of £14,580 from the Social Investment Business, which enables us to commission specialist consultancy to support business planning, licence application and pre-broadcast preparation. Higher Rhythm is in a position to provide additional funding if necessary.

### Revenue

We assume primarily to generate revenue from carriage fees charged to DSP and C-DSP providers. We have prepared a carriage fees rate card with rates based on capacity allocated and differential rates for DSP and C-DSP service providers. Our business plan assumes that at least 80 per cent of capacity will be allocated in year one.

### Expenditure

#### *Pre-operational costs £18,413*

Costs accrued in the period before receipt of revenue from selling carriage capacity including, business plan development, licence application, technical planning, licence fees, and pre-broadcast operating costs and overheads. Pre-operational costs and working capital will be met by the Reach Fund grant and Higher Rhythm Limited own funds.

*Capital costs £23,000*

Capital costs include site planning and design, power supply, network connections, antenna rigging, transmission system, and multiplex set-up. Baseline infrastructure (power, connectivity, equipment space and mounting surfaces) is already available at each of the proposed sites. We will use commercially available transmission equipment from reputable DAB transmitter manufacturers and have made provision for each site. Capital costs will be met from the £35,000 investment from Higher Rhythm Limited own funds.

*Operating costs £24,150 (Y1 excluding depreciation)*

These include salaries, overhead costs, site rentals, transmission maintenance, multiplex system, network costs, marketing and promotion, licencing fees and professional fees.

Cost efficiencies will be achieved by managing the operation from within our existing staff team and infrastructure. Higher Rhythm Limited is an established Doncaster-based social enterprise which operates recording studios, training and education facilities and community radio station, Sine FM. The company has a £400k+ turnover and employs 7 staff including technical, marketing and finance functions

Operating costs will be met by charging carriage fees to C-DSP and DSP customers of the SSDAB multiplex. We have completed an assessment into revenue earning potential of the SSDAB multiplex service including consultations with potential customers and other market intelligence to identify appropriate rates for C-DSP and DSP carriage (see Part B).

**Application of surplus**

The business is set up on a not-for-profit basis but aims to generate a modest surplus which, after retaining what is needed by the business, will be applied to projects of community benefit within the coverage area consisting with our Articles of Association.

**Additional information**

A business plan and detailed financial projections are provided in confidence.

3.18 Please indicate how the costs outlined in 3.17 (above) will be met, under the following headings:

a) Share capital

N/A

b) Loan stock

N/A

c) Leasing/HP facilities (capital value)

N/A

d) Bank overdraft

N/A

e) Grants and donations

‘Reach Fund’ grant via The Social Investment Business, £14,580

f) Other (please specify)

Higher Rhythm Limited own unrestricted funds £35,000

- 3.19 Expanding the table if necessary, please list the providers of the funding which will be used to establish the service, and the amount of funding that each will provide. For incorporated investing shareholders, please provide a copy of the most recent statutory accounts if they are not currently available on Companies House.

| Name of shareholder or investor | Percentage of shares held (if applicable) | Amount of funding provided (£) |
|---------------------------------|-------------------------------------------|--------------------------------|
| The Social Investment Business  | N/A                                       | £14,580                        |
| Higher Rhythm Limited           | N/A                                       | £35,000                        |

- 3.20 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

- 3.21 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.)

## **Overview**

Higher Rhythm Limited is a Doncaster-based not-for-profit organisation with over 20 years' experience providing practical training, accredited learning and widened access to music, recording, creative and media technology for socially and economically marginalised people who would otherwise have little or no other opportunity of accessing similar experiences. Since 2007 Higher Rhythm has been successfully operating Doncaster's community radio station, Sine FM, offering an alternative to mainstream media and a voice for underrepresented communities and groups to express themselves.

## **Governance**

Higher Rhythm Limited has a volunteer governing board including three independent directors and two other members. The directors all live in Doncaster and have extensive and diverse experience in business and technology as well as local knowledge. As an educational organisation we recognise the importance of maintaining a high standard of governance and have established robust and detailed governance arrangements on which we will capitalise in order to effectively maintain the SSDAB service.

## **Management**

Steven Munding, CEO of Higher Rhythm, will be responsible for the day-to-day general management of the multiplex service. He is a qualified PRINCE 2 and AGILE project manager and also holds a Diploma in Telecoms. Higher Rhythm have been operating the community radio station, Sine FM, on analogue for 15 years and Steve is the lead staff member in charge of OFCOM licensing and regulatory matters, and technical oversight. Steve has managed contracts with organisations ranging from small local businesses through to local, regional and national government bodies including EU wide projects, so has the necessary skillset to manage contracts with programme service providers.

## **Specialist advisors**

Steve Buckley - Steve has provided business planning and other licence application support and will assist the project from licence application to launch. He is Managing Director of media development and social enterprise support agency Community Media Solutions. He is also a founder of Shefcast Digital, the small scale DAB service for Sheffield and Rotherham and he serves as a board member of Comux UK Limited which operates the UK's local digital television multiplex. Steve is co-author (with Lawrie Hallett and Bill Best) of the Community DAB Handbook, published by the Community Media Association.

Muxnet - Muxnet UK has provided support in broadcast coverage planning and network design. Muxnet UK's directors are Gregory Watson, Matt Deegan and Nick Piggott, who have extensive experience in building and operating digital radio multiplexes, and who have been involved in small scale DAB technologies and trials for many years.

## **Additional information**

Information on other relevant staff and contractors is provide in Part B

- 3.22 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.)

| Function                                                                                                                          | Responsible party        | Previous experience                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Installation of transmission equipment                                                                                            | See confidential section | See confidential section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Ongoing maintenance of the transmission equipment                                                                                 | See confidential section | See confidential section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Installation of the Multiplexing equipment                                                                                        | Factum Radioscape        | Factum Radioscape are one of the leading providers of DAB+ software with more than 20 years experience including with local and small-scale DAB.                                                                                                                                                                                                                                                                                                                                                                             |
| Day-to-day technical management and maintenance of the multiplexing equipment (if different from response to question 3.28 above) | Higher Rhythm Limited    | Higher Rhythm have operated a licensed community radio station since June 2008 including managing FM transmission, fixed studio – to transmitter link, live web streaming and managing on demand content. Higher Rhythm also operates an IT network across two buildings, with in excess of 60 computers (mac and pc).<br><br>Higher Rhythm's CEO has a high level of technical competency in broadcast technologies and holds qualifications in telecoms through Telecoms Academy. Other staff members also have high level |



|  |  |                                                         |
|--|--|---------------------------------------------------------|
|  |  | competency in audio and broadcast related technologies. |
|--|--|---------------------------------------------------------|

## Timetable for coverage roll-out

- 3.23 Please tell us how soon after licence award you expect your multiplex service to become operational and achieve the coverage you are proposing:

We would expect to commence broadcasting within 12 months of the award of the multiplex licence. Assuming the licence decision is confirmed by Ofcom by March 2023 we would hope to launch the service in Winter 2023 / Spring 2024. Factors that will affect the date of launch include technical plan approvals and frequency clearance, planning permissions, seasonal weather conditions with regard to the antenna installation and the desirability of launching in a suitable window in the marketing cycle. We have funding commitments in place and suppliers identified for the main equipment items. We also have in principle agreements for site access on straightforward terms and we anticipate being able to commission both sites within six months of approval of the technical plan.

During the launch planning phase, we will liaise with DSP/C-DSP customers to communicate the planned timetable and any risks to ensure service planning alignment and to put in place carriage agreements and technical arrangements. Following licence award, we also anticipate offering a further window for additional DSP/C-DSP carriage requests.

A project plan and Gantt chart showing high level tasks to launch is provided.

- 3.24 In addition, please provide, as an annex to be submitted with this application, 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.

## 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?

**Yes**

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:

Sine FM Community Radio

CR000150BA/3

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. In this context, a “participant” refers to a person who holds or is beneficially entitled to shares in the applicant or possesses voting power in the applicant. If the service is already licensed by Ofcom, the licence number should be provided. Please refer to the nature of the participation (e.g. shareholding or agreement in relation to voting power):

N/A

### Demand or support from programme providers

4.4 Please provide in the table below (expanding the table if necessary) the names of providers (or prospective providers) of community or local digital sound programme services who have expressed their demand or support for the provision of the proposed multiplex service in the area to be served by the multiplex service. For reasons of transparency, the response to this question *must be answered below and should not be provided as a separate*

*annex.* The evidence of the demand or support, such as signed heads of terms or emails, should be provided as a confidential annex, and relate only to the specific multiplex being applied for.

| Name of service provider and station name (if known) | Proposed C-DSP or DSP | Nature of evidence of support provided |
|------------------------------------------------------|-----------------------|----------------------------------------|
| Higher Rhythm Limited - Sine FM                      | C-DSP                 | Heads of Terms                         |
| TMCRFM Limited – TMCR                                | C-DSP                 | Heads of Terms                         |
| DN12 Live                                            | C-DSP                 | Email Confirmation                     |
| Guppy Dream Radio                                    | C-DSP                 | Email Confirmation                     |
| 57 Media Ltd - TX1 Radio                             | DSP                   | Heads of Terms                         |
| VIBE Yorkshire Limited - VIBE Yorkshire              | DSP                   | Heads of Terms                         |
| Angel Radio Limited - Angel Vintage                  | DSP                   | Heads of Terms                         |
| Radio Asian Fever Limited - Fever Radio              | DSP                   | Heads of Terms                         |
| Commedia Sheffield -Sheffield Live                   | DSP                   | Heads of Terms                         |
| Communities Together -Radio Sangam                   | DSP                   | Heads of Terms                         |
| Rotherham Broadcasting CIC - Rother Radio            | DSP                   | Heads of Terms                         |
| 45 Radio Limited - 45 Radio                          | DSP                   | Email Confirmation                     |
| Frisk Radio Ltd - Frisk Radio                        | DSP                   | Email Confirmation                     |
| Random FM                                            | DSP                   | Email Confirmation                     |

## 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 is one further question 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.

For example, how have you sought to engage a broad range of prospective service providers including those not directly involved as participants in the application and those who have decided not to proceed to express an interest or agree heads of terms at this stage, and how have you sought to make prospective service providers aware of your proposals and potential terms for carriage?

#### Webpage

Following Ofcom's open call for Doncaster SSDAB Licence applications, we set up a webpage for Doncaster DAB to provide information about the project and the opportunities for potential service providers - <https://www.higherrhythm.co.uk/what-we-do/doncaster-dab/> The website provided contact details and an expression of interest form.

#### Media coverage

Launch of the webpage was accompanied by a press release distributed to local/regional press contacts and shared on social media. We announced our intention to apply for and operate the Doncaster SSDAB service and provided a link to the webpage to receive expressions of interest in carriage. The press release was covered in the local and industry press, including Radio Today. Examples of media coverage, including social media, are provided in the Annex 'DonDAB - Promotional material'.

### Local research

Alongside public invitations, we conducted research to identify active internet radio services and other potential service providers located in Doncaster and the immediate region. We made contact to ensure that radio operators were aware of the opportunity and to assess local support needs. This included providing advice and support regarding the DSP/C-DSP application process, incorporation and business modelling.

### Consultation

Following the receipt of expressions of interest we engaged in conversations with potential C-DSP and DSP providers including on pricing and capacity requirements. We prepared and distributed a draft rate card and Heads of Terms. From those who have expressed firm interest in carriage we have collected signed Heads of Terms and/or email confirmation of their expression of interest.

### Planned Open Call

We have allocated approximately 70% of available capacity to potential service providers on the basis of Heads of Agreement or confirmed expressions of interests. We have retained around 30% (together with any allocated capacity that is not taken up) to be allocated in a future open call that will be carried out after the licence award, in the event that our application is successful. We anticipate the level of demand at that stage to be significantly higher, including potentially from providers that may have supported other bids. Our intention is to undertake an open selection process with a fixed window and transparent assessment criteria that is likely to include the ability of the proposer to sustain the service if carriage is offered and the contribution the service is likely to make in responding to local interests and to increasing the diversity of services available. For this second call, in addition to designing a fair and effective competition process, we would reserve the right to revise the rate card in the light of experience and market conditions.

Our objective for the second open call is to have a fully populated multiplex with a waiting list. Depending on the outcome we may hold further calls for expressions of interest.

### Post award information

In the event we are awarded the licence we will launch a website for the service including coverage information, ratecard, services carried, news updates and contact information. We aim to ensure an open and transparent process for the allocation of capacity and to respond to expressions of interest in carriage in a manner that promotes fair competition.

## 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:**

STEVEN MUNDIN

**Date of application:**

12 October 2022

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

Company secretary

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