

Small-scale radio multiplex licence award: Carlisle & Penrith

Background

Ofcom has decided to award a new small-scale radio multiplex licence for Carlisle & Penrith to Cumbria.Digital 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 19 April 2024, Ofcom published a notice inviting applications for licences to provide small-scale radio multiplex services in localities including Carlisle & Penrith.

By the closing-date of 18 July 2024, Ofcom had received one application for Carlisle & Penrith. This was from Cumbria.Digital Limited ("CDL"). 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).

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 Carlisle & Penrith was made by a panel of Ofcom decision makers which convened on 26 March 2025. They carefully considered the application, public comments received, 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 CDL 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 approximately 84% 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 North Cumbria local radio multiplex, and overspill outside the advertised area was predicted to be well under 30% of the population of the advertised area. Ofcom therefore considered no mitigations were required to comply with these thresholds. Ofcom also considered that mitigations were unlikely to be necessary to address hole punching or interference. Decision makers considered that predicted coverage was very good in the context of the area, with robust coverage in the two main population centres of Carlisle and Penrith (albeit that the coverage between the two areas is not contiguous).

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 the application provided limited evidence of funding or of progress on site agreements, and it would be important for CDL to progress these elements promptly following award in order to launch within the statutory period. They also noted that the sole shareholder in the applicant is an officer of a political party and the applicant had acknowledged changes would be needed prior to the service launching to ensure it was qualified to hold a licence in light of the eligibility requirements in Schedule 2 to the Broadcasting Act 1990. Notwithstanding these reservations, overall decision makers considered there was sufficient prospect of the service being established within the 18-month period allowed by legislation to justify award to the sole applicant.

In relation to section 51(2)(ca), the applicant itself proposed to provide a C-DSP service, Voice of Cumbria, on the multiplex. Decision makers noted that this was not an existing online or analogue community service, and these were factors that limited their level of confidence in the service being available on the multiplex at launch. Nevertheless, the interest in doing so was viewed positively.

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. As well as the C-DSP service the applicant itself intended to provide, expressions of interest had been received from an existing analogue community service in the advertised area (Eden FM) and another proposed service. Two other DSP services had expressed an interest. Decision makers considered that, whilst rather modest, the level of demand and support was sufficient to justify award to the sole applicant. However, they noted it would be important for CDL to engage further with prospective services between award and launch to support the establishment and ongoing viability of the multiplex service, especially other existing analogue community radio services with an interest in covering the area.

In this respect, in relation to section 51(2)(g), Ofcom noted that public comments had expressed some misgivings over the applicant's level of engagement with existing local services. Decision makers emphasised that it would be important for CDL to engage positively with existing services and potential services post-award, and that all small-scale multiplex licences include requirements in relation to fair and effective competition.

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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