

Reference: 652824

Catriona Lawrence
Information Rights Adviser
Information.requests@ofcom.org.uk

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Freedom of Information: Right to know request

Thank you for your request for information regarding Secklow Sounds CIC 105.5 Milton Keynes.

This was received by Ofcom on 2 January 2019 and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked:

I am asking for a FOI request to know how Ofcom confirmed Secklow Sounds total hours of broadcast for the weeks outlined by Secklow Sounds in their response to the Ofcom investigation for breach of key commitments and exactly how many hours of original content (without repeats) was broadcast during these periods of 10-16th Sept, 22nd – 28th October, last week of November 2018 and first week for January 2019.... Did Secklow Sounds include their repeated and automated content in these figures?

....Can we please have the evidence of what Seckow Sounds has broadcast on the dates provided by their response to Ofcom Bulletin 368, Dec 2018.

We have broken down your request into the following questions:

1. *How did Ofcom confirm Secklow Sounds (the Licensee) total hours of broadcast for the week 10-16 September, as detailed in Issue 368 of Ofcom's Broadcast and On Demand Bulletin?*

As set out in Ofcom's breach decision published in issue 368 of the Broadcast and On Demand Bulletin, during the week 10 to 16 September 2018, Secklow Sounds failed to deliver its Key Commitments relating to the number of hours of original output. The service was required to broadcast a minimum of 100 hours of original output, however, as confirmed by the Licensee to Ofcom, it had only broadcast 87 hours.

Ofcom's Broadcast Licensing team requested and was provided with recordings of the station's output and a programme schedule for the relevant dates. The Licensee also acknowledged that it had not met the minimum requirement for the provision of original output as it confirmed it had

broadcast only 87 hours. This failure was a breach of the relevant licence conditions and given such confirmation by the Licensee, no further evidence was required in order to find the Licensee in breach.

2. *How many hours of original content (without repeats) was broadcast by Secklow Sounds during the periods of 10-16 September 2018, 22-28 October 2018, the last week of November 2018 and the first week of January 2019?*

As explained above, the Licensee confirmed the minimum requirement for original output had not been met and accordingly no further evidence was required in order to find the Licensee in breach. We therefore do not hold information about actual hours of original content broadcast.

3. *Did Secklow Sounds include their repeated and automated content in these figures?*

As explained under (1), it was unnecessary to confirm the content the Licensee included in the 87 hours. While repeat broadcasts do not count towards the minimum requirement of original output, original output does not have to be live and can instead be voice-tracked (automated). Voice-tracked content does count towards the minimum requirement.

4. *Can we please have the evidence of what Secklow Sounds has broadcast on the dates provided by their response to Ofcom Bulletin 368, Dec 2018.*

We are unable to release this information as it falls under the exemption in section 44 of the Act. Under this section information which we hold on this subject is exempt from disclosure since it was obtained in exercise of a statutory power and disclosure is prohibited under section 393(1) of the Communications Act 2003. Section 44 is an absolute exemption under the Act and does not require a public interest test.

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Catriona Lawrence

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all

such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF