

Reference: 384285



28 February 2017

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Information requests

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Request for information

Thank you for your request for information dated 31 January about Tulip Radio which has been considered under the Freedom of Information Act 2000 ('the FoIA').

Please find below our response to each of your questions which have been numbered for ease of reference.

1. Copy of Tulip Radio's Community Radio application including financials

You can find Tulip Radio Limited's (Tulip Radio) original community radio licence application form via the following link:

<http://webarchive.nationalarchives.gov.uk/20160105155955/http://licensing.ofcom.org.uk/bi-naries/radio/community/apps/tulip.pdf>

2. Copy of any Ofcom funding applications including attachments and supporting material

We hold copies of Tulip Radio's applications for grants from the Community Radio Fund. However, this information is being withheld as it falls under the exemption in section 44(1) of the FoIA, which states that information is exempt if disclosure of that information is prohibited by or under another enactment. The information we hold is information relating to a business and cannot be disclosed under section 393(1) of the Communications Act 2003 unless that business consents, or one of a number of other statutory gateways are satisfied. We do not have the consent of Tulip Radio to disclose this information, nor are any of the other gateways for disclosure met in this case.

Please note that our grant application guidance notes state in section 2.2 that applications will be treated as confidential and will not be published:

https://www.ofcom.org.uk/_data/assets/pdf_file/0009/33300/guidance-notes.pdf

3. Copy of grant decisions relating to each application including amounts awarded, for what, why and when

The Community Radio Fund Panel makes decisions on whether applications for grants are awarded. A copy of Ofcom's decisions on grant awards, including the amounts awarded, for what, why and when, can be found at this link: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/radio-broadcasters/community-radio-fund>.

We also hold information about applications submitted by community radio licensees which were unsuccessful. However, this information is being withheld as it falls under section 393(1) of the Communications Act 2003 and, therefore, the exemption in section 44(1) of the FoIA, as set out above.

Tulip Radio received the following two awards from the Community Radio Fund:

- £15,000 for the post of Station Manager in June 2009

http://webarchive.nationalarchives.gov.uk/20160105155955/http://stakeholders.ofcom.org.uk/broadcasting/radio/community-radio-fund/grants0910_1/

- £15,721 for the post of Business Development and Fundraising Officer in January 2013

<http://webarchive.nationalarchives.gov.uk/20160105155955/http://stakeholders.ofcom.org.uk/broadcasting/radio/community-radio-fund/12-13-round-2>

4. Copy of any audit or outcome verification

We have interpreted this question as requesting information in relation to audits of grants awarded to Tulip Radio from the Community Radio Fund.

Recipients of an award are required to submit a report on how the grant has been spent. We hold copies of Tulip Radio's grant reports for the two awards listed above. However, this information is being withheld as it falls under section 393(1) of the Communications Act 2003 and, therefore, the exemption in section 44(1) of the FoIA, as set out above.

Separately, Ofcom publishes an end-of-year report which is compiled on all the grants awarded to community radio licensees in each funding round. These reports are sent to the Department for Culture, Media and Sport (which provides the funding for the awards). The relevant reports which report on the years in which Tulip Radio received its grants are 2010/2011 and 2013/2014 respectively (being the financial years following the year in which the grant was made) and are available at these links:

The 2010/11 End of year report:

<http://webarchive.nationalarchives.gov.uk/20160702162827/http://stakeholders.ofcom.org.uk/binaries/broadcast/radio-ops/crf/crf-10-11.pdf>

The 2013/14 End of year report:

http://webarchive.nationalarchives.gov.uk/20160702162827/http://stakeholders.ofcom.org.uk/binaries/broadcast/radio-ops/crf/CRFP_Annual_report_2013-14.pdf

5. Copy of any complaints and their outcome in relation to Tulip Radio

We cannot confirm or deny whether we hold this information. This is because the information requested, if held, would fall under section 393(1) of the Communications Act 2003 and, therefore, the exemption in section 44(1) of the FoIA, as set out above. In cases where the exemption in section 44(1) FoIA applies, we can decide that we should neither confirm or deny whether we hold the information.

6. Copy of any documented concerns internally related to Tulip Radio

In 2014 Ofcom found that Tulip Radio was in breach of its licence for late submission of their Key Commitments report and finance report (together forming the Annual Report it must submit to Ofcom each calendar year). The investigation was carried out under Ofcom's broadcast licensing general procedures (available at https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-procedures.pdf). The finding was published in Ofcom's Broadcast Bulletin, Issue number 258, 14 July 2014: https://www.ofcom.org.uk/_data/assets/pdf_file/0014/47030/obb258.pdf

Ofcom has also investigated and found that Tulip Radio was in breach of its licence for failing to provide one hour per week of programming for migrant communities, under the same procedures. The finding was published in Ofcom's Broadcast Bulletin, Issue number 282, 29 June 2015: https://www.ofcom.org.uk/_data/assets/pdf_file/0021/50349/issue_282.pdf

We cannot confirm or deny whether we hold any information on this question other than the information published, as set out above. This is because the information requested, if held, would fall under section 393(1) of the Communications Act 2003 and, therefore, the exemption in section 44(1) of the FoIA, as set out above. In cases where the exemption in section 44(1) FoIA applies, we can decide that we should neither confirm or deny whether we hold the information.

7. Copies of any emails or letters received from Tulip Radio within the last 6 months

We hold copies of emails received from Tulip Radio within the last 6 months. However, this information is being withheld as it falls under section 393(1) of the Communications Act 2003 and, therefore, the exemption in section 44(1) of the FoIA, as set out above.

8. Copies of Annual Reports submitted to Ofcom by Tulip Radio within the last 5 years including financials and/or supporting information

The Annual Reports submitted by Tulip Radio consist of two parts: the Key Commitments report and the finance report.

We hold copies of the Key Commitments reports submitted by Tulip Radio in for the period 1 April 2010 – 31 March 2011, 2011 (at this point onwards we collected reports per calendar year), 2012, and 2013. From 2014 onwards, we no longer collected these reports. We also hold copies of the finance reports submitted by Tulip Radio each year, from 2010 until 2015 (inclusive).

However, this information is being withheld as it falls under section 393(1) of the Communications Act 2003 and, therefore, the exemption in section 44(1) of the FoIA, as set out above.

I hope this information is helpful.

Yours sincerely

Julia Snape

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:

Steve Gettings

The Secretary to the Corporation
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