

Reference: 530451

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24 April 2018

### **Freedom of Information: Right to know request**

Thank you for your request for information where you asked about a Community Radio licence award in Aberystwyth.

This was received by Ofcom on 23 March and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked for information in relation to the recent award by Ofcom of a Community Radio licence in Aberystwyth. We are interpreting this as referring to the application received from Radio Aber on 25 July 2017. We have therefore searched for information from 25 July 2017 to 23 March 2018.

Please find below our response to each of the questions you asked.

1. *Submissions and data from third parties to Ofcom relevant to the Economic Impact Assessment made by Ofcom as part of the community radio licence process for Aberystwyth.*

The submissions and data from third parties to Ofcom relevant to the Economic Impact Assessment (EIA) were:

- (a) Financial information provided by Nation Broadcasting Limited; and
- (b) Financial information provided by Radio Aber

This information was shared with us under our regulatory powers and is being withheld as it falls under the exemption in section 44 of the Act. This exemption allows information to be withheld when its disclosure is prohibited under other legislation. Section 393 of the Communications Act 2003 prevents Ofcom disclosing information about a particular business (e.g. financial information about an applicant) unless we have the consent of that business or releasing that information helps Ofcom to carry out its duties, neither of which apply here. Section 44 is an absolute exemption under the Act and does not require a public interest test.

The information you requested is also likely to be exempt under section 43 of the Act.

Both (a) and (b) contain information which was provided to Ofcom in confidence. In fulfilling its statutory obligations Ofcom needs to gather in information so that it can consider whether

an applicant either has, or is likely to have, access to sufficient financial and other resources to establish and maintain the proposed service.

Regarding 1(b), a public copy of the application is available<sup>1</sup> on our website however the confidential information, primarily financial, has been excluded. We publish on our website all parts of applications received other than those parts we determine that it is appropriate to keep confidential.

*2. The final Economic Assessment report / recommendations considered by the licensing meeting for the community radio licence process for Aberystwyth.*

This is a report submitted to the licensing decision-makers for reference when they make their decisions. It contains information which is exempt under section 44 and it is likely that other exemptions apply including the exemption under section 43 of the Act.

*3. Minutes of the licensing meeting(s) (or other relevant Ofcom meetings) where the licensing process / decision to award a community radio licence in Aberystwyth were discussed.*

Minutes are not generated for such awards and therefore the requested information is not held. However, the decision-makers agree a Statement regarding award decisions setting out the reasons for the award and the relevant Statement can be found on our website<sup>2</sup>.

*4. Relevant correspondence between the community radio licence applicant for Aberystwyth (Radio Aber) and Ofcom which may not already be in the public domain.*

This is exempt under section 44 and it is likely that other exemptions would apply including the exemption set out in section 43 of the Act.

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

Yours sincerely,

Jerin John

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:

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<sup>1</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0018/106128/Radio\\_Aber\\_application.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0018/106128/Radio_Aber_application.pdf)

<sup>2</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0019/110674/Community-radio-awards-Jan-18.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0019/110674/Community-radio-awards-Jan-18.pdf)

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