

Reference: 350321

Date: 11 November 2016

Julia Snape
Information requests

information.requests@ofcom.org.uk

Freedom of Information: Right to know request

Thank you for your request for information dated 14 October for copies of all correspondence and emails between Ofcom and Nation Broadcasting Ltd (formally Town and Country Broadcasting) since January 2015. This has been considered under the Freedom of Information Act 2000 ('the Act').

You kindly clarified your request on 20 October to confirm that you wanted '*correspondence and emails between Ofcom and Nation Broadcasting since 3 January 2015*' to include:

- *Technical correspondence regarding transmission arrangements*
- *The provision of a movement of services from its base at Unit 14, Old School Estate, Station Road, Narberth, Pembrokeshire to Nation Broadcasting, St Hilary Transmitter, Nr St Hilary, Cowbridge, CF71 7DP.*
- *Any amendments to the current public file for all stations in the group since being updated in March 2016*
- *information between yourselves and Arqiva relating to the movement of these provisions and/or it's transmitters*
- *All emails between Martin Mumford, Jason Bryant and Ofcom in relation to all company issues.*
- *Any minutes of meetings held between Ofcom and Nation Broadcasting Ltd (except those during the Ofcom advisory committee on the 3rd February 2016)*
- *Any submissions or amendments to the operation of the station's sent from Nation Broadcasting to Ofcom whether approved or declined.*
- *Any correspondents relating to the DAB multiplexes across South Wales, Mid & West Wales and North Wales and the technical changes to the availability and coding of stations.*
- *And the notes relating to the discussion about any provision of it's services being able to root through St Hilary and the connection with Arqiva's distribution network. Company.*

We have carefully considered your request along with the additional detail you provided under the Act. With regard to 'all correspondence and emails between Ofcom and Nation

Broadcasting Ltd (formally Town and Country Broadcasting) since January 2015' and your bullet points as stated above, we are unable to disclose any further information than that we have already published on our website. This is because it is exempt from disclosure under Section 44 of the Act. This section of the Act prohibits release of information if another enactment has said that it shouldn't. In this case Section 393 of the Communications Act restricts disclosure of information if it relates to a business which has been obtained in exercise of a power conferred by the Communications Act unless we have the consent of that business or it furthers the carrying out of Ofcom's functions. We do not have the consent of Nation Broadcasting Ltd to release the information and we do not consider it would help Ofcom to carry out its functions.

However, you may find it helpful to refer to certain information that has been published on our website.

Ofcom received and approved a number of programme sharing requests from Nation Broadcasting relating to their five local stations (i.e. Bridge FM, Radio Carmarthenshire, Radio Pembrokeshire, Radio Ceredigion and Swansea Bay). The requests from Nation Broadcasting, and our reasons in each case for approving them, are published at:

<https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend/format-changes-2016>

In addition, Nation Broadcasting Ltd requested a change of Format for its regional South Wales service, Nation Radio. We have considered that the proposed change would substantially alter the character of the licensed service, so we are therefore consulting on the request. The consultation has been published today at:

https://www.ofcom.org.uk/consultations-and-statements/category-3/nation-radio-request-to-change-format#utm_source=updates&utm_campaign=nation-radio&utm_medium=email

Recent station Format changes can be found via the following link:

<https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend/format-changes-2016>

Older Format changes can be found here:

<http://webarchive.nationalarchives.gov.uk/20160702162827/http://www.ofcom.org.uk>

Recent multiplex variation request forms (which record changes to the digital service line-ups and associated regulated technical changes) can be found here:

<https://www.ofcom.org.uk/manage-your-licence/radio-broadcast-licensing/amend/mux-variation-requests> .

Finally, older multiplex variation request forms can be found here:

<http://webarchive.nationalarchives.gov.uk/20160702162827/http://licensing.ofcom.org.uk/radio-broadcast-licensing/digital-radio/mux-variation-requests>

I hope this information is helpful. Please quote the above reference in any further communication.

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