

4 July 2012

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Information Requests

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Freedom of Information: Right to know request

Thank you for your request for information regarding Pirate Radio Stations broadcasting in the West Yorkshire county from January 2005 until January 2012, which we received on 16 June 2012 and have considered under the Freedom of Information Act 2000 ('the Act').

You asked:

1. *How many prosecutions against individuals have taken place between the specified dates?*

15 prosecutions.

2. *Out of the number of persons identified, how many have had multiple prosecutions?*

1 person.

3. *Please list the names of all the unlicensed broadcast stations and the number of times enforcement action has been carried against each of them, clearly showing the method of enforcement used (ie: studio raid, main transmitter removal, mobile telephones disconnected, website domain name blocking etc).*

Year	Station	TX	STUDIO	LINK	Website Shut down	Telephone cut-offs
2007	D&B RF88.1	7	2			
2007	Fresh FM	4				
2007	Peoples		1			
2008	Fresh FM		2			
2008	D&B RF88.1	3		1		

2009	Fresh FM	1				
2009	D&B RF88.1	3	1	1		
2009	Frontline	1	1			
2009	Vibez	1	1			
2010	Big Vibes	1				
2010	D&B RF88.1	1		1		
2010	Fresh FM	2		1		
2010	Frontline		1			
2011	Radio Vibe	4				
2011	Vibez	1				
2011	RF90.4	3		1		
2011	Fresh FM	3				
2011	Frontline		1			

Data pre 2007 unavailable

4. How many enforcement visits have been as a result from information supplied from members of the public or licence paying broadcasters.

Reports/complaints from the public can determine the level of action that Ofcom takes.

Although we cannot directly attribute each single report to an enforcement operation we can report the following number of complaints (against stations mentioned above) in West Yorkshire, were received as under:-

2007	15
2008	19
2009	12
2010	8
2011	4

Data pre 2007 unavailable

5. Please supply a breakdown of costs for each case of enforcement action carried out.

This information is not readily accessible as a considerable amount of time would be needed to locate, retrieve, identify and extract any relevant information. Section 12 of the Freedom of Information Act 2000 provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the "appropriate limit". The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require for this question and as such the cost of complying with your request will exceed the appropriate limit. We will therefore not be able to provide any information in connection with question 5 of your request.

6. Please give details of any complaints or allegations made against Ofcom's staff in the enforcement section.

N/A

7. Out of the unlicensed broadcast stations identified, if any have not had enforcement action against them please supply information as to why it hasn't taken place.

N/A

8. How many reports of interference to safety of life services or aviation have been reported in West Yorkshire between the dates stated above, if any please state which authority reported it and if the interference was proven to be attributed to pirate radio?

None.

If you require any further information or would like to talk through any issues regarding the information you have requested then please do not hesitate to give me a ring. I will be more than happy to pass your details on to one of our experts in this area.

Please ensure that when using the provided information in any way, you comply with all relevant legislation. For example, the information provided may be protected by copyright under the Copyright, Designs and Patents Act 1988 (as amended). If in doubt, please seek independent legal advice. For Ofcom's policy on copyright and related issues, please refer to <http://www.ofcom.org.uk/disclaimer>.

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 exception cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Graham Howell
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