

Reference: 1-220506883



22 November 2012

By email

John Whitcome
request-135725-d5cb9ef4@whatdotheyknow.com

Claire Pressdee-Collins
Information Requests

information.requests@ofcom.org.uk

Dear Mr Whitcome

Freedom of Information: Right to know request

Thank you for your request for information regarding pirate radio stations broadcasting in the West Midlands County from January 2005 until November 2012. We received your request on 30 October 2012 and have considered it under the Freedom of Information Act 2000 ('the Act'). I have answered your questions in turn below.

The information on unlicensed broadcasting pre 2007 is held on Ofcom's archived system and 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 Act 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 pre 2007.

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

27 (from 2007 to end Oct 2012)

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

None

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 (i.e.: studio raid, main transmitter removal, mobile telephones disconnected, website domain name blocking etc).

YEAR	IB Station involved	Freq(s)	Studio	TX	Link	Aerials
2010	Caribbean Vibes?	99.7		1		
2012	Dance Asia	92.4		3	1	
2007	Deep FM	89.6		1		
2012	Deep FM	89.6		1	1	
2011	Distinct FM	87.5		3		
2010	Dream FM	92.3		2		
2008	Dream FM	99.2		1		
2007	Frontline FM	106.3 /				1
2010	Frontline FM	106.3 /		2		
2012	Frontline FM	106.3 /		1		
2009	Fubar FM	90.2				1
2011	Fusion	90.2		2		
2012	Fusion	90.2		1		
2007	Hot FM	92.0	1	18		
2008	Hot FM	92.0	1	7		2
2009	Hot FM	92.0	1	3		
2010	Hot FM	92.0		9	3	
2011	Hot FM	92.0		5		
2012	Hot FM	92.0			1	
2009	Irie UK	99.7 / 99.4		5		
2010	Irie UK	99.7 / 99.4		2		
2011	Irie UK	99.7 / 99.4	1	4		
2012	Irie UK	99.7 / 99.4		1		
2007	Kriss FM	95.1 / 95.3	1	4		
2008	Kriss FM	95.1 / 95.3	1	6		
2009	Kriss FM	95.1 / 95.3	1	4		
2010	Kriss FM	95.1 / 95.3	1	1		
2011	Kriss FM	95.1 / 95.3	1	1		
2012	Kriss FM	95.1 / 95.3	1	1		
2007	Midlands Rush	92.2 / 58.3 / 97.5	1	5		
2008	Midlands Rush	92.2 / 58.3 / 97.5	1	2		
2009	Midlands Rush	92.2 / 58.3 / 97.5		2		

2010	Midlands Rush	92.2 / 58.3 / 97.5		1	1	
2009	Pure FM	97.5		3		
2010	Pure FM	97.5		1		
2007	Real FM	99.6 / 99.7		4		4
2008	Real FM	99.6 / 99.7				1
2009	Real FM	99.6 / 99.7	1	1		
2010	Real FM	99.6 / 99.7		1		
2007	Silk City	101.5		5		3
2008	Silk City	101.5	1			
2009	Silk City	101.5		5	1	
2007	Skyline FM	94.2		6		8
2008	Skyline FM	94.2		3		
2009	Skyline FM	94.2	1	1		
2010	Skyline FM	94.2		1		
2012	Skyline FM	94.2		1		
2007	Smooth	93.8	2	10		3
2008	Smooth	93.8				1
2007	Sting FM	107.5 / 97.5 / 106.6		37		3
2008	Sting FM	107.5 / 97.5 / 106.6		7		
2009	Sting FM	107.5 / 97.5 / 106.6	1	5		
2010	Sting FM	107.5 / 97.5 / 106.6	2	11		
2010	Supergold Stafford	97.5	1	1		
2007	True FM	103.5	1			
2007	Underground FM	107.0	1	11		5
2008	Underground FM	107.0		2		1
2009	Vibez	87.5		3		
2010	Yard Vibes	99.2 / 99.7	1	2		
2008	Unidentified	92.4		1		6
2010	Unidentified	?		1	1	1
2011	Unidentified	?		1		

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 confirm the following number of complaints were received in the West Midlands as under:

2007	22
2008	46
2009	29
2010	18
2011	13
2012	2

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 Act applies, as explained above.

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

We do not hold this information. We do not believe there were any complaints have been made against Ofcom staff post-2007

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.

We do not hold this information. We do not believe there were any complaints made against Ofcom staff post-2007

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?

1 report from Swanwick/NATS re interference to Birmingham Airport. Proven to be an illegal broadcast station in Birmingham.

I hope this information has been helpful. 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

Claire Pressdee-Collins

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