

Reference: 2168006

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

13 March 2026

## Freedom of Information request: Right to know request

Thank you for your request for information about BBC local radio changes which was included in your correspondence of 13 February 2026.

We have considered your request under the Freedom of Information Act 2000.

### Your request

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1. *Correspondence between the BBC and Ofcom relating to the Proposal*
2. *Information about the resources Ofcom allocated to this consultation, compared with other consultations in the last three years*

### Our response

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We note that these information requests were submitted as part of your correspondence dated 13 February 2026 concerning the BBC's request to amend the Operating Licence requirements for BBC Local Radio, and Ofcom's subsequent decision relating to that application. We have therefore treated Question 1 below as seeking correspondence between Ofcom and the BBC specifically about this proposed change to the Operating Licence. We have interpreted Question 2 below as referring to 'other consultations' concerning changes to the Operating Licence, rather than to all consultations undertaken by Ofcom more broadly.

#### *1. Correspondence between the BBC and Ofcom relating to the Proposal*

While we hold the information requested we consider it is exempt from disclosure under section 36 of the FOI Act. In particular, sections 36(2)(b)(ii) and (c) of the FOI Act provide that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information –

- Would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation, or
- Would otherwise prejudice, or would be likely to otherwise prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in withholding the information. In this case, we consider that the public interest favours withholding

the information for the reasons set out in Annex B to this letter. In Annex A of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

Other exemptions may apply including section 44 of the FOI Act.

*2. Information about the resources Ofcom allocated to this consultation, compared with other consultations in the last three years*

We also hold information relevant to this question. As is standard practice, Ofcom's work on considering changes to the Operating Licence is delivered by a cross-disciplinary team drawn from our content policy, legal, and research and intelligence teams. The recent October 2025 consultation<sup>1</sup> was resourced in the same way.

Yours sincerely,

Information Requests

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<sup>1</sup> <https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-3-4-weeks/consultation-changes-to-the-bbcs-operating-licence/main-documents/consultation-changes-to-the-bbcs-operating-licence-2025.pdf?v=409650>

## Annex A

Freedom of Information: Right to know request

### Section 36 exemption

The information we hold that falls within the scope of your request is being withheld as it falls under the exemption in section 36(2) of the Freedom of Information Act 2000 (the Act). I am a "qualified person" as referred to in section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section. In my reasonable opinion, disclosure of the withheld information would, or would be likely to:

- **inhibit the free and frank exchange of views for the purposes of deliberation (s36(2)(b)(ii)); and**
- **otherwise prejudice the effective conduct of public affairs (s36(2)(c)).**

In my reasonable opinion, disclosure of the information requested **would** risk discouraging full and candid engagement between Ofcom and stakeholders, which is essential for effective regulation.

Set out in Annex B is the exemption in full, as well as the factors that were considered when deciding where the public interest lay in relation to the information concerned.

If you have any queries about his letter, please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk).

Signed: Corporation Secretary

Date: 13 March 2026

## Annex B

### Section 36: Prejudice to effective conduct of public affairs

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

- inhibit the free and frank provision of advice,
- inhibit the free and frank exchange of views for the purposes of deliberation, or
- otherwise prejudice the effective conduct of public affairs.

Key points:

- Section 36 can only be used if, in the **reasonable view of a "qualified person"**, disclosure of the requested information would have one of the specified effects.
- The application of section 36 is subject to a public interest balancing test.

Factors for disclosure	Factors for withholding
<p>Transparency in regulatory activities.</p> <ul style="list-style-type: none"> <li>- Promoting transparency about how Ofcom engages with stakeholders when making regulatory decisions.</li> <li>- Supporting public confidence that Ofcom's regulatory decisions are well-informed.</li> </ul>	<ul style="list-style-type: none"> <li>-Ofcom's ability to regulate effectively depends on open, candid exchanges with the BBC and other stakeholders.</li> <li>-Disclosure of exploratory conversations or emerging analytical judgments would risk stakeholders being more cautious or guarded in future engagement.</li> <li>-Inhibiting the free and frank exchange of views would materially weaken Ofcom's ability to test proposals, probe evidence, and reach well-supported regulatory decisions.</li> </ul>

### Reasons why the public interest favours withholding information

- While there is a general public interest in transparency, we consider that this is outweighed in this case by the need for Ofcom to protect a space in which Ofcom and stakeholders can communicate freely during regulatory processes.
- The substance of Ofcom's assessment has already been made available publicly through the October 2025 consultation and the subsequent December statement. Disclosure of the withheld information would therefore add limited additional public value, while the potential harm to Ofcom's ability to effectively carry out its functions is significant.

For these reasons, the public interest favours maintaining the exemption and withholding the information.

**Request an internal review**

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team ([information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)) to request an internal review.

**Taking it further**

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).