

# **Ofcom Broadcast and On Demand Bulletin**

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## Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act<sup>2</sup>. Ofcom must include these standards in a code, codes or rules. These are listed below.

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and telesshopping may be scheduled in television programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility for on television and radio services. These include:
  - the prohibition on ‘political’ advertising;
  - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
  - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising<sup>3</sup>.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional telesshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

**It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.**

## Broadcast Standards cases

### In Breach

#### Red Rock

BBC 1, 20 July 2016, 13:45

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##### Introduction

A complainant alerted Ofcom to scenes of violence, which the complainant did not consider appropriate for early afternoon broadcast, in the drama *Red Rock*.

*Red Rock* is a police drama series set in a fictional seaside town near Dublin, based around the activities at the local police station. Each episode lasts approximately 40 minutes.

At the start of this episode there was a brief summary of the plot so far. This included clips making clear there was tension between two characters, Sergeant Brian McGonigle and police officer Sharon Cleere. This was because Sharon had evidence suggesting that Brian was having an affair with a 15-year-old girl, Rachel. There had been a confrontation between the two as a result with the Sergeant saying: *"I'm warning you. You start spreading those lies about me and I swear you'll regret it"*.

As the episode developed there were scenes in which: Sharon Cleere confronted Rachel about the affair; Rachel told Brian about her meeting with Sharon, which ended with Brian commenting: *"She [Sharon] won't be telling anyone anything, believe me"*; Brian met a thug by the dockside and told him that he had *"[g]ot a little job"* for him; Brian arranged to go on patrol one night with Sharon in a police car soon afterwards; it was made clear that Sharon was uneasy about this arrangement; and, while on patrol they received an emergency call saying that there had been a break-in at a warehouse.

About 30 minutes into the episode, Brian and Sharon were shown arriving in the dark at the warehouse to find a white van with the rear doors still open, suggesting the intruders were still in the warehouse. Brian ran ahead into the warehouse, leaving Sharon to call for assistance. Accompanied by menacing music, the female police officer crept into the warehouse, calling out for her colleague. Brian was shown whistling nonchalantly, leading Sharon further in to the building. Suddenly Sharon was blocked by a large, menacing man. She told him to *"put your hands up where I can see them"* but another man was shown approaching her from behind. Appearing scared and distressed, the female police officer again shouted out for help.

A third man appeared, and the three men were shown circling the female police officer in a menacing way. Two of the men were shown facing her and as she turned around, the third man behind her punched her violently in the face, causing her to fall on the ground. Close up shots were then shown of the faces and shoulders of the three assailants as they beat and kicked Sharon severely, and of Brian as he listened to the thuds, groans and screams of the attack. No footage of the assault itself was shown (for example blows or kicks landing on Sharon) but it appeared from the sound track that the assailants punched or kicked the female police officer at least 12 times. The attack on Sharon lasted about 17 seconds, from the moment of the first punch until the violence ended.

The female police officer was depicted lying unconscious on the ground. Brian appeared and approached Sharon to touch her hand with his shoe as if to check that she was indeed unconscious. A close up shot of her bruised face showed blood trickling from her nose, and of her bloodied hand twitching repeatedly. Her three attackers and the male police officer walked away to another part of the warehouse, leaving her lying unconscious.

Brian handed money to the three men in payment for the attack and said to one of the assailants “*Just do it*”. The attacker punched Brian on the side of the face (clearly to make it appear that Brian had also been assaulted). Brian staggered, spat, and then asked the man to punch him again to make his injuries seem more convincing, and he did so, but more powerfully. The attackers departed and Brian called police colleagues for emergency assistance. The sequence from the moment when Sharon was first confronted by an assailant until Brian called for back-up assistance was about one minute in duration.

In later scenes in the same episode, Sharon was shown: being carried by paramedics on a gurney at the hospital, still unconscious and wearing a neck brace; intermittently conscious and barely able to speak in intensive care in hospital after surgery, being told by colleagues that her life may have been saved at the warehouse because of Brian’s intervention; and, in a slightly menacing scene, being visited alone out of visiting hours by Brian. In another scene, police colleagues are informed that Sharon suffered concussion, broken ribs, a collapsed lung, and bruising as a result of the attack.

Ofcom considered this material raised issues warranting investigation under Rules 1.3 and 1.11 of the Code, which state:

Rule 1.3: “Children must also be protected by appropriate scheduling from material that is unsuitable for them”.

Rule 1.11: “Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed (in the case of television) or when children are particularly likely to be listening (in the case of radio) and must also be justified by the context”.

We therefore sought comments from the Licensee as to how the material complied with these rules.

## Response

The BBC said that the violent scenes were “appropriately edited and editorially justified” and that they would have been within audience expectations for this timeslot. It said that “viewers were made sufficiently aware of the impending violence to act to prevent any children in their care from seeing the attack itself”.

The broadcaster said that the storylines in *Red Rock* are “adult in nature and not designed to appeal to children”. It said that the drama series *Doctors* was previously broadcast in the same timeslot for a long time and had “built a reputation for tackling difficult themes and serious social issues”. The BBC said that the series was preceded by the lunchtime news and was “unlikely” to have attracted younger viewers. It said that “although the school summer holidays had begun in some parts of the UK, adults watching with children were likely to have been aware that this was

traditionally a slot for adult drama and would have made their viewing decisions accordingly”.

The BBC said that the storyline for this episode had been building from the previous episode and there were several indications in the plot and dialogue and in the lead-up to the attack that Sergeant McGonigle intended to harm Sharon Cleere. It said that the female police officer was “plainly uneasy at being instructed to go out in the car with the male police officer, and a sense of menace developed as they entered the warehouse where the attack took place, heightened by the accompanying music”. It said that “[i]t became clear at this point that the female police officer had been lured to the warehouse by the male police officer and was in serious danger”.

The broadcaster said that the shot of the first assailant punching Sharon was brief and “filmed in a highly stylised manner and dimly lit”. It said that it was the only shot showing contact with the female police officer’s body throughout the attack, “other images of her being kicked having been edited by the BBC from the version supplied”. It added that “the scenes of her lying unconscious after the attack served to illustrate the severity of it”. The broadcaster said the images of the victim’s face after the attack were not unduly graphic and the violence mitigated by the dim lighting. It added that the “twitching of her hand served to reassure viewers that she had survived the attack” and that “the subsequent scene confirmed that she would survive her injuries”. It also said that these scenes, along with the scenes of the punches that Sergeant McGonigle exhorted the attackers to inflict on him, were editorially important to illustrate his character and “the lengths he was prepared to go to in silencing the female police officer”.

## Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that: “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code. In applying the Code, Ofcom must have regard to the right to freedom of expression of the broadcaster and the audience.

### Rule 1.11

Rule 1.11 states that violence must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context.

We first assessed whether the level and nature of the violence was appropriately limited. We took account of Ofcom’s 2014 research on Audience Attitudes towards Violent Content on Television<sup>1</sup>. This research indicated that viewers took various factors into account when evaluating the acceptability of violence on television. In summary, before the watershed audiences were less willing to accept: violence in general and wished it to be less extreme; violence against more vulnerable individuals; and, the infliction of physical harm, especially when lengthy<sup>2</sup>.

We noted that the episode included a sequence in which an unarmed female police officer was violently attacked by three men in an empty warehouse at night. The impact of the violence was heightened by: after the two police officers arrived at the

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<sup>1</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0024/54933/violence\\_on\\_tv\\_report.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0024/54933/violence_on_tv_report.pdf)

<sup>2</sup> Summarised on pages 3 to 6 of the report.

warehouse, the tone of threat and menace during the build up to the first punch; the menacing music leading up to the assault by three men; the violence of the first punch (seen by viewers, although not the point of impact); the thuds, groans and screams of the vicious attack making clear that Sharon was overwhelmed and punched and kicked at least a dozen times in total; and, the total length of the attack on the female police officer (over 17 seconds from the moment of the first punch). This scene was then followed by shots of the unconscious police officer, both in wide shot and close up, showing her bruised and bloodied face, and her hand twitching uncontrollably. This was followed almost immediately by Brian being punched violently twice to the head.

We acknowledged that the violence of these scenes was limited by various factors. The first punch to hit the female police officer for example was shown in a shot so brief (and dimly lit) that the moment of impact would not have been clear to viewers. No other images of Sharon were featured showing her being punched or kicked. Instead shots were featured of the faces and upper bodies of the assailants and the Sergeant listening to the sounds of the assault while it took place. We did not consider however that on balance these measures sufficiently reduced the violence of this sequence overall so that it was appropriately limited before the watershed.

We next considered whether the violence was justified by the context. Contextual factors include: the editorial content of the programme; the time of broadcast; the service; the likely size and composition of the audience; and, the likely expectations of the audience. The editorial content was described above. Ofcom noted that the series was first shown on TV3 in the Republic of Ireland in 2015, but then had been scheduled at 20:30. As confirmed by the BBC, the broadcaster made various edits to the sequence of violence with the intention of making it suitable for broadcast on BBC 1 at lunchtime. In Ofcom's opinion however the tone of the programme remained quite dark and adult in parts.

We noted the Licensee's argument that the shot of the female police officer's twitching hand in the scene immediately following the attack "served to reassure viewers that she had survived the attack". We disagreed. Although it is possible that some viewers would have taken that view, Ofcom considered that other viewers may well have interpreted the spasms of the female police officer as a disturbing sign of the consequences of the severity of the attack. The following scene at the hospital revealed that the female officer was in surgery, a sign that her injuries were very serious and potentially life threatening. It was only in later scenes that it became clear that Sharon, although she had suffered some quite severe injuries and was in intensive care, was likely to recover fully.

We took into account that this episode was shown on BBC 1, the BBC's main and most popular public service television channel, in *Red Rock*'s regular scheduled slot of weekdays in the early afternoon. As the BBC pointed out, this slot had previously been filled by the drama series, *Doctors*, aimed at a primarily adult audience. Ofcom considered that *Red Rock*, which concerned the activities of a police station in a fictional town in Ireland, would also appeal primarily to an adult audience. The child audience for this particular episode was low (7,434 children or 0.7% out of a total audience of 1.06 million). It was preceded by the lunchtime news, which would have been unlikely to attract children. However, we also noted that this content was broadcast on 20 July 2016, i.e. at a time when a number of (but not yet all) children in the United Kingdom were already on school summer holidays. The material was therefore shown at a time and on a date when it was likely that a number of children could be in the audience.



Ofcom noted that the programme was not preceded by a warning. On the other hand, the growing tension between Brian and Sharon, and Brian's plans to take some form of action to silence Sharon, helped in our view to prepare parents or carers for content which had the potential to cause distress to any younger viewers. However, this signalling may not necessarily have mitigated the risk to young viewers watching unsupervised.

Given all of the above, we considered that the audience for this programme shown on BBC 1 at lunchtime when a number of children had already started their school holidays would not have expected such a lengthy depiction of violence, particularly in the form of a woman being viciously attacked by three men. In Ofcom's view therefore, the violence was not justified by the context.

We acknowledged that exactly how much violent material to edit out of, or changes to make to, a programme like *Red Rock* to make it suitable to showing at lunchtime is a matter of editorial judgement. Nonetheless, our Decision was that on balance the violence in this episode was in breach of Rule 1.11.

### Rule 1.3

Rule 1.3 states that broadcast material which is unsuitable for children must be appropriately scheduled.

We first considered whether the programme contained material which was unsuitable for children. We set out above under Rule 1.11 why this violent content was not appropriately limited in this pre-watershed programme, and for broadly the same reasons Ofcom considered it was unsuitable for children. In summary: at the end of a menacing build up, a sequence depicted a very violent attack by three men on Sharon followed by Brian being punched twice in the face; this whole sequence lasted around one minute, with the attack on Sharon having a duration of 17 seconds; and although some measures were taken to limit the violence in terms of editing, this sequence depicted the assault on the female police officer in particular in a powerful, realistic and shocking way which could have been distressing for younger viewers.

Ofcom went on to assess whether the content was appropriately scheduled. For many of the same reasons we were of the view under Rule 1.11 that this material was not justified by the context (see above), we also considered it was not appropriately scheduled. In particular, despite the various edits and changes made by the BBC, the sequence of violence shown about 30 minutes into the episode, remained quite lengthy, and dark, powerful and potentially distressing in nature. Also, although the programme was aimed at and did attract a largely adult audience, it was shown on a date when a number of children in the United Kingdom were already on school summer holidays. The material was therefore shown at a time and on a date when it was likely that a number of children could be in the audience. Given all of the above, we considered the violence would not have been consistent with the likely expectations of the audience for BBC 1 at this time and on this day, and this material was not appropriately scheduled.

As a result, our Decision was that the broadcast was also on balance in breach of Rule 1.3.

### **Breaches of Rules 1.3 and 1.11**

## Broadcast Licence Conditions cases

### Broadcasting licensees' late and non- payment of licence fees<sup>1</sup>

Ofcom is partly funded by the broadcast licence fees it charges television and radio licensees. Ofcom has a statutory duty to ensure that the fees paid by licensees meet the cost of Ofcom's regulation of broadcasting. The approach Ofcom takes to determining licensees' fees is set out in the Statement of Charging Principles<sup>2</sup>. Detail on the fees and charges payable by licensees is set out in Ofcom's Tariff Tables<sup>3</sup>.

The payment of a licence fee is a requirement of a broadcasting licence<sup>4</sup>. Failure by a licensee to pay its licence fee when required represents a significant and fundamental breach of a broadcast licence, as it means that Ofcom may be unable properly to carry out its regulatory duties.

#### In Breach

The following radio licensees failed to pay their annual licence fees in accordance with the required payment date. These licensees have therefore been found **in breach** of Condition 3(2) of their broadcast licences.

The outstanding payments have now been received by Ofcom. Ofcom will not be taking any further regulatory action in these cases.

| Licensor                         | Service Name    | Licence Number |
|----------------------------------|-----------------|----------------|
| Ambur Community Radio Ltd        | Ambur Radio     | DP101116BA     |
| Rinse FM                         | Rinse FM        | DP101096BA     |
| Somer Valley Community Radio Ltd | Somer Valley FM | DP101092BA     |
| Spice Project Ltd                | Spice FM        | CR000142BA     |
| Starpoint Radio Ltd              | Starpoint Radio | DP101121BA     |

#### Breaches of Licence Condition 3(2) in Part 2 of the Schedule of the relevant licences

In the specific circumstances of the following case, the late payment of the fee was considered by Ofcom to amount to a serious licence breach. **Ofcom is therefore putting this licensee on notice that the breach is being considered for the imposition of a statutory sanction, which may include a financial penalty and/or licence revocation.**

| Licensor              | Service Name      | Licence Number |
|-----------------------|-------------------|----------------|
| Asian Sound Radio Ltd | Asian Sound Radio | AL000183BA     |

<sup>1</sup> This Finding was amended after publication to correct a factual inaccuracy.

<sup>2</sup> [https://www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0019/51058/charging\\_principles.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/51058/charging_principles.pdf)

<sup>3</sup> [https://www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0034/57976/tariff-tables-2016-17.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0034/57976/tariff-tables-2016-17.pdf)

<sup>4</sup> As set out in Licence Condition 3 for radio licensees and Licence Condition 4 for television licensees.

## Breaches of Licence Condition 3(2) in Part 2 of the Schedule of the relevant licences

In the specific circumstances of the following case, the payment is still outstanding and the non-payment of the fee was considered by Ofcom to amount to a serious licence breach. **Ofcom is therefore putting this licensee on notice that the breach is being considered for the imposition of a statutory sanction, which may include a financial penalty and/or licence revocation.**

| Licensee          | Service Name | Licence Number |
|-------------------|--------------|----------------|
| The Hub Media CIC | The Hub      | CR000252BA     |

## Breaches of Licence Conditions 3(1) and 3(2) in Part 2 of the Schedule of the relevant licences

The following television licensees failed to pay their annual licence fees in accordance with the required payment date. These licensees have therefore been found **in breach** of Condition 4(2) of their broadcast licences.

The outstanding payments have now been received by Ofcom. Ofcom will not be taking any further regulatory action in these cases.

| Licensee Name  | Service Name                             | Licence Number |
|--|--|----------------|
| 201 Television Limited                                       | Wellbeing Network                        | TLCS001061BA   |
| 201 Television Limited                                       | Wellbeing Network (Polish language feed) | TLCS100739BA   |
| AETN UK  | Lifetime (+1) (HD)                       | TLCS000379BA   |
| AETN UK  | History Channel Africa                   | TLCS000691BA   |
| AETN UK  | H2                                       | TLCS001010BA   |
| AETN UK  | History Channel (HD)                     | TLCS001011BA   |
| AETN UK  | History Channel Europe HD (The)          | TLCS001233BA   |
| AETN UK  | Crime & Investigation Network (HD)       | TLCS001334BA   |
| AETN UK  | Crime & Investigation Network Europe     | TLCS001372BA   |
| AETN UK  | CI Polsat                                | TLCS001705BA   |
| AETN UK  | History (Croatia)                        | TLCS001716BA   |
| AETN UK  | History HD (Turkey)                      | TLCS001717BA   |
| AETN UK  | History (Romanian)                       | TLCS001722BA   |
| AETN UK  | CI (Africa)                              | TLCS001733BA   |
| AETN UK  | History (Middle East)                    | TLCS001734BA   |
| AETN UK  | History (Polish feed) (HD)               | TLCS100077BA   |
| AETN UK  | History (HD) (Netherlands feed)          | TLCS100220BA   |
| AETN UK  | H2 (HD) (Europe and Middle East)         | TLCS100636BA   |
| AETN UK  | Lifetime (Poland)                        | TLCS100732BA   |
| Almadaria Satellite Channel Ltd (formerly Alforat Satellite) | Almadaria                                | TLCS100560BA   |

| <b>Licensee Name</b>                       | <b>Service Name</b>                 | <b>Licence Number</b> |
|--|-------------------------------------|-----------------------|
| Channel Limited)                           |                                     |                       |
| Asia Media Global Limited                  | Athavan TV                          | TLCS100516BA          |
| Axn Europe Limited                         | AXN (Central Europe)                | TLCS000653BA          |
| Axn Europe Limited                         | Viasat 6                            | TLCS000837BA          |
| Axn Europe Limited                         | AXN Black (Central Europe)          | TLCS001051BA          |
| Axn Europe Limited                         | AXN White (Central Europe)          | TLCS001052BA          |
| Axn Europe Limited                         | Viasat 3 (Hungary)                  | TLCS001368BA          |
| Axn Europe Limited                         | AXN (Adria)                         | TLCS001417BA          |
| Axn Europe Limited                         | AXN White (Poland)                  | TLCS001509BA          |
| Axn Europe Limited                         | AXN Black (Poland)                  | TLCS001511BA          |
| Axn Europe Limited                         | AXN/AXN HD (Poland)                 | TLCS001512BA          |
| Axn Europe Limited                         | AXN (HD) (Romania)                  | TLCS001515BA          |
| Axn Europe Limited                         | AXN (Czech Republic)                | TLCS001516BA          |
| Axn Europe Limited                         | AXN (Bulgaria)                      | TLCS001517BA          |
| Axn Europe Limited                         | AXN Spin (Central Europe)           | TLCS001528BA          |
| Axn Europe Limited                         | AXN SPIN (Romanian)                 | TLCS001724BA          |
| Bangla TV (UK) Limited                     | Bangla TV                           | TLCS000415BA          |
| Best Direct (International) Limited        | Best Direct                         | TLCS001373BA          |
| BFTV Limited                               | BFTV                                | TLCS001085BA          |
| Bol TV Ltd (formerly Rapid TV Network Ltd) | Baby First TV                       | TLCS100721BA          |
| CEE Broadcasting Limited                   | FEM3                                | TLCS000748BA          |
| CEE Broadcasting Limited                   | SPILLER TV                          | TLCS001678BA          |
| Daar Communications (UK) Ltd               | AIT Movistar                        | TLCS001209BA          |
| Decland Limited                            | Drive In Movie Channel              | TLCS101125BA          |
| Fadak Media Broadcasts                     | Fadak Media Broadcasts              | TLCS001490BA          |
| G Next Media UK Limited                    | PTC Punjabi                         | TLCS001082BA          |
| Global Tamil Vision Ltd                    | Global Tamil Vision                 | TLCS001281BA          |
| Gong Media Limited                         | Gong Max                            | TLCS001097BA          |
| Gong Media Limited                         | Gong                                | TLCS001754BA          |
| Greener Technology Limited                 | BEN TV                              | TLCS001094BA          |
| H&C TV Limited                             | Horse & Country TV                  | TLCS000929BA          |
| H&C TV Limited                             | Horse & Country TV (Netherlands)    | TLCS001669BA          |
| H&C TV Limited                             | Horse and Country TV (Swedish feed) | TLCS100177BA          |
| H&C TV Limited                             | Horse & Country TV (German feed)    | TLCS101203BA          |

| Licensee Name                              | Service Name                                 | Licence Number |
|--|--|----------------|
| Immediate Media TV Limited                 | Jewellery Maker                              | DTPS101135BA   |
| Immediate Media TV Limited                 | Jewellery Maker                              | TLCS001450BA   |
| Kashmir Broadcasting Corporation Ltd       | KBC  | TLCS000544BA   |
| Lebara Media Services Limited              | Lebara Play Electronic Programme Guide       | TLCS100871BA   |
| Magine UK Ltd                              | Magine TV                                    | TLCS100910BA   |
| MGM Channel Poland Limited                 | MGM HD                                       | TLCS001138BA   |
| Middlesex Broadcasting Corporation Limited | MATV(Punjabi)                                | TLCS000384BA   |
| Middlesex Broadcasting Corporation Limited | MATV Music                                   | TLCS000385BA   |
| MUTV Limited                               | MUTV   | TLCS000250BA   |
| SPTI Networks Eastern Europe (UK) Limited  | Sony Entertainment Television (Baltics)      | TLCS001460BA   |
| SPTI Networks Eastern Europe (UK) Limited  | Sony Turbo (Baltics)                         | TLCS001725BA   |
| SPTI Networks Eastern Europe (UK) Limited  | Sony Entertainment Television (HD) (Baltics) | TLCS100170BA   |
| SPTI Networks Eastern Europe (UK) Limited  | Sony Turbo (EE)                              | TLCS100171BA   |
| SPTI Networks Eastern Europe (UK) Limited  | Sony Sci-Fi (Baltics)                        | TLCS100172BA   |
| Stingray Digital International Limited     | Stingray Music                               | TLCS001529BA   |
| Stingray Digital International Limited     | Stingray Lite TV                             | TLCS100800BA   |
| Stingray Digital International Limited     | Stingray Ambiance                            | TLCS101344BA   |
| TalkTalk Group Limited                     | TalkTalk Player EPG                          | TLCS001743BA   |
| The Craft Channel Limited                  | The Craft Channel                            | TLCS101251BA   |
| TV Enterprises Limited                     | NTAI   | TLCS000743BA   |
| Versus Media Ltd                           | Levant TV                                    | TLCS001670BA   |

#### **Breaches of Licence Condition 4(2) in Part 2 of the Schedule of the relevant licences**

In the specific circumstances of the following cases, the late payment of the fee was considered by Ofcom to amount to a serious licence breach. **Ofcom is therefore putting this licensee on notice that the breaches are being considered for the imposition of a statutory sanction, which may include a financial penalty and/or licence revocation.**

| Licensee      | Service Name   | Licence Number |
|---------------|----------------|----------------|
| KM TV Limited | Club Max       | TLCS001078BA   |
| KM TV Limited | Yesil Vadi     | TLCS001354BA   |
| KM TV Limited | Arabesk Melodi | TLCS001356BA   |
| KM TV Limited | Can TV         | TLCS001533BA   |
| KM TV Limited | Full Action    | TLCS001534BA   |
| KM TV Limited | Top Pop        | TLCS001535BA   |
| KM TV Limited | Tosun TV       | TLCS001536BA   |
| KM TV Limited | The Box        | TLCS001598BA   |
| KM TV Limited | Cinemax        | TLCS100747BA   |
| KM TV Limited | Plus Life      | TLCS100748BA   |
| KM TV Limited | Tarz Moda      | TLCS100749BA   |

#### **Breaches of Licence Conditions 4(2) in Part 2 of the Schedule of the relevant licences**

In the specific circumstances of the following cases, the payment is still outstanding and the non-payment of the fee was considered by Ofcom to amount to a serious licence breach. **Ofcom is therefore putting these licensees on notice that the breaches are being considered for the imposition of a statutory sanction, which may include a financial penalty and/or licence revocation.**

| Licensee                         | Service Name | Licence Number |
|----------------------------------|--------------|----------------|
| DM Global Media Limited          | DM News Plus | TLCS100193BA   |
| Property TV Broadcasting Limited | Property TV  | TLCS100677BA   |

#### **Breaches of Licence Conditions 4(1) and 4(2) in Part 2 of the Schedule of the relevant licences**

## In Breach

### Production of recordings

*DM News Plus, 20 May 2016, 02:10*

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#### Introduction

DM News Plus is a satellite television service primarily aimed at the Asian community in the UK. The licence for DM News Plus is held by DM Global Media Limited (“the Licensee”).

Ofcom received a complaint about potentially misleading content broadcast on DM News Plus on 20 May 2016. Ofcom therefore requested a recording of the programme from the Licensee to assess the content. A considerable period of time elapsed before the Licensee provided a recording of the programme to Ofcom.

Ofcom considered this matter raised issues warranting investigation under Licence Condition 11(2)(b) of the Licensee’s Television Licensable Content Service (“TLCS”) licence, which states that:

“11(2) ...the Licensee shall:

- (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction...”.

We therefore asked the Licensee how it complied with Licence Condition 11(2)(b) in this case.

#### Response

The Licensee did not respond to Ofcom’s request for comments.

#### Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster’s licence there are conditions requiring the licensee to retain recordings of each programme broadcast, in a specified form and for a specific period after broadcast, and to comply with any request to produce such recordings issued by Ofcom. These obligations are reflected in Condition 11 of TLCS licences as set out above.

Licence Condition 11(2)(b) requires the licensee to produce recordings to Ofcom forthwith upon request. Breaches of Licence Condition 11(2)(b) are significant because they impede Ofcom’s ability to assess whether a particular broadcast raises potential issues under the relevant codes. This affects Ofcom’s ability to carry out its statutory duties in regulating broadcast content.

In this case, a considerable amount of time had elapsed after the deadline specified by Ofcom before the Licensee provided the recording to Ofcom. We also noted that the Licensee provided no explanation for the delay. Because the Licensee did not provide the requested recording “forthwith”, it breached Licence Condition 11(2)(b) in this case.

On 23 March 2016, Ofcom imposed a financial penalty of £25,000 on the Licensee for ten successive breaches of its Licence Conditions regarding the production of recordings.<sup>1</sup> We are therefore concerned that a subsequent breach of Licence Condition 11(2)(b) has occurred.

Ofcom was concerned that the Licensee breached this condition of its licence so soon after the imposition of the statutory sanction. Ofcom will therefore actively monitor the Licensee's compliance arrangements in this area and may consider taking further regulatory action if there are further breaches.

### **Breach of Licence Condition 11(2)(b)**

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<sup>1</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0027/65358/dm-global-230316.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0027/65358/dm-global-230316.pdf)



## In Breach

### Retention and production of recordings

*Ramadhan Radio 87.7 MHz (Bristol), 7 to 16 June 2016*

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#### Introduction

Ramadhan Radio 87.7 MHz was a radio station that operated under a Short Term Restricted Service Licence (“S-RSL”) in the Bristol area during the period 7 June to 5 July 2016. The licence for the service was held by an individual (“the Licensee”).

Ofcom received a complaint about a programme broadcast at 07:30 on 8 June 2016. The complainant was concerned by a story told about a man killing a woman who rejected his marriage proposal, which they felt was offensive.

Ofcom therefore requested a recording of the programme from the Licensee to assess the complaint.

In response to Ofcom’s request for a recording, the Licensee explained that after retrieving the “exact files which were requested...we were disturbed to find that the files were blank”. It added that it “immediately checked [our] system and rectified an error which had caused this”. The Licensee did not produce a recording of the material to Ofcom for assessment.

Ofcom considered that the failure to provide a recording warranted investigation under Conditions 8(1) and 8(2)(a) and (b) of the Licensee’s S-RSL which state:

“8(1) The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recordings of any programme which is the subject of a Standards Complaint...”

“8(2) In particular, the Licensee shall:

- (a) make and retain, for a period of 42 days from the date of its inclusion therein, a recording of every programme included in the Licensed Service together with regular time reference checks; and
- (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction.”

We therefore asked the Licensee how it complied with Conditions 8(1) and 8(2)(a) and (b) in this case.

#### Response

The Licensee explained that prior to commencing broadcasting on 7 June 2016 it had purchased new computers and recording software. The Licensee stated that when it received Ofcom’s request for a recording, it immediately extracted the relevant files and discovered that the system had been set up to record without sound. Although it was familiar with the software, the Licensee said that it had “overlooked the setting of opening the mic” and consequently, no recordings were produced between 7 and 16 June 2016. Consequently, the requested recording for 8 June 2016 could not be provided to Ofcom.

The Licensee apologised for this human error and said that upon realising the problem it immediately corrected the settings.

The Licensee accepted that the process of checking the recordings had been overlooked and outlined the steps it took after the incident to ensure compliance with its licence obligations. This included daily checks to confirm that recordings had been successful, a back-up system and further training for staff.

### **Decision**

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster's licence there are conditions requiring the licensee to retain recordings of each programme broadcast, in a specified form and for a specific period after broadcast, and to comply with any request by Ofcom to produce such recordings issued by Ofcom. These obligations are reflected in Conditions 8(2)(a) and (b) of Restricted Service Licences, as set out above.

Breaches of Licence Condition 8 are significant because they impede Ofcom's ability to assess whether the output of a particular broadcaster raises potential issues under the relevant codes. This can prevent Ofcom from carrying out its statutory duties in regulating broadcast content.

Ofcom noted the Licensee's explanation that its failure to produce recordings of its output and to provide the requested recording from 8 June 2016 occurred due to human error. We also noted the measures it implemented to reduce the likelihood of a recurrence. However, as the Licensee did not produce recordings of its output for ten days, and was therefore unable to provide a recording of the requested material, Ofcom has recorded a breach of Conditions 8(1) and 8(2)(a) and (b) of the licence.

### **Breaches of Licence Conditions 8(1) and 8(2)(a) and (b)**

## In Breach

### Providing a service in accordance with ‘Key Commitments’

*Youthcomm Radio (Worcester), 26 to 28 May 2016*

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#### Introduction

Youthcomm Radio is a community radio station licensed to provide a community radio service for young people in Worcester aged between 11 and 25. The licence is held by Youth Community Media (“Youthcomm” or “the Licensee”).

Like other community radio stations, Youthcomm is required to deliver the ‘Key Commitments’ which form part of its licence.<sup>1</sup> These set out: how the station will serve its target community and include a description of the programme service; social gain (community benefit) objectives such as training provision; arrangements for access for members of the target community; opportunities to participate in the operation and management of the service; and, accountability to the community.

Ofcom received a complaint alleging that Youthcomm was only broadcasting live output “for 4-6 hours per day at best”. The complainant noted that the station’s Key Commitments state that “we will typically be live for 12 hours per day during weekdays with a mixture of limited live programmes, pre-recorded and automated content during weekends.”

To assess the complaint, we asked Youthcomm to provide three days of output from Thursday 26, Friday 27 and Saturday 28 May 2016, plus a programme schedule for that week.

Having listened to the audio for the days of output we requested, we noted that on all three days there were long periods of continuous music with no editorial content being broadcast. On the Saturday we monitored (28 May 2016), there was no editorial content broadcast at all.

In light of what we heard, it appeared to us that Youthcomm was not delivering the following Key Commitments:

- We will typically be live for at least 12 hours per day during weekdays with a mixture of limited live programmes, pre-recorded and automated content during weekends. (Live programming may include pre-recorded inserts, if applicable.) The majority of the output will be locally produced.
- Weekday daytime output will typically comprise 60% music and 40% speech (‘speech’ excludes advertising, programme/promotional trails and sponsor credits). Weekday evening output will typically comprise of specialist music-based programming, and music to speech ratios may alter during this period. During weekends when live programmes are broadcast, output will typically follow weekday daytimes.

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<sup>1</sup> The Key Commitments are contained in an annex to Youthcomm’s licence. They can be viewed in full at:  
<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000053.pdf>

We considered that these issues warranted investigation under Condition 2(4) in Part 2 of the Schedule to Youthcomm's licence. This states:

"The Licensee shall ensure that the Licensed Service accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period." (Section 106(1) of the Broadcasting Act 1990).

We therefore requested the Licensee's comments on how it was complying with the two Key Commitments identified above.

## **Response**

The Licensee said that, while it was its "continual aim" to achieve compliance with its Key Commitments, "we have acknowledged that at the time of your assessment we were not fulfilling the above mentioned [key] commitments."

Youthcomm reported that, during the monitoring period, its senior presenter was out in the community visiting schools, colleges and businesses in connection with a local "Bring a Pound to Work" charity event, leaving the station short on presentation cover and, consequently, unable to deliver its regular programme schedule.

Noting its particular remit to serve and involve young people aged between 11 and 25, the Licensee said that "at this time of year, due to exams, holidays and summer closures of schools, colleges and the University, it can leave us with few [volunteers] who are as yet sufficiently trained, practiced [sic] and ready to broadcast live, and that has been the case this year."

The Licensee added that it was in the process of signing a new 10-year lease for its current studio, and that this lease "will enable us to qualify for further funding to help enhance our training offer to the young people of our total service area, and by proxy increase our live hours and speech content on which we have recently not kept up to quota, for which we apologise wholeheartedly".

## **Decision**

Ofcom has a number of duties in relation to radio broadcasting, including securing a diverse range of local radio services which are calculated to appeal to a variety of tastes and interests, along with the optimal use of the radio spectrum. These matters are reflected in the licence condition requiring the provision of the specified licensed service. Provision by a licensee of its licensed service on the frequency assigned to it is the fundamental purpose for which a community radio licence is granted.

During our three days of monitoring, Youthcomm broadcast four hours of live programming on Thursday 26 May 2016, nine hours of live programming on Friday 27 May 2016, and none at all on Saturday 28 May 2016. While we accept that the requirement is for the Licensee to "typically" broadcast live for 12 hours per weekday, and the Key Commitments permit significantly less (but not zero) live broadcasting at the weekends, we considered that the amount of live hours broadcast on the three days we monitored fell considerably short of what is required by the station's Key Commitments.

More significantly, given that Youthcomm was airing mainly continuous music during the hours it was not broadcasting live, it was also our view that this would have significantly diminished the station's ability to provide relevant content to listeners

and to deliver other Key Commitments, including the required 40% speech level during weekday daytimes.

By the Licensee's own admission, it is clear that, on our monitoring dates, Youthcomm failed to deliver the amount of live broadcasting hours required by the Key Commitments, and its comments regarding the availability of suitably trained volunteer presenters suggest that this has been an ongoing problem for the station. The Licensee therefore breached Licence Condition 2(4) in this respect.

**Breach of Licence Condition 2(4) in Part 2 of the Schedule to the community radio licence held by Youthcomm Radio (licence number CR000053).**

## Broadcast Fairness and Privacy cases

### Not Upheld

#### Complaint by Mr Toaha Qureshi

*The Deobandis (Part 2), BBC Radio 4, 12 April 2016*

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#### Summary

Ofcom has not upheld Mr Toaha Qureshi's complaint of unjust or unfair treatment.

The programme was the second of a two-part series looking at the beliefs of the Deobandis, described in the programme as "*an orthodox and conservative Islamic sect*" and investigated links between British Deobandis and militant groups in Pakistan. It included a pre-recorded interview with Mr Qureshi, a trustee of the Stockwell Green Mosque (or "the Mosque") which is a Deobandi mosque in south London.

Ofcom found that the programme makers had been fair in their dealings with Mr Qureshi as a potential contributor and that they had provided him with sufficient information about the nature of the programme and the questions he would be asked to give informed consent for his contribution. We also considered that Mr Qureshi was given an appropriate and timely opportunity to respond to the claims made in the programme.

#### Programme summary

On 12 April 2016, BBC Radio 4 broadcast the second episode of a two-part documentary that investigated the Deobandi school of Islamic thought. The continuity announcer introduced the episode stating that the BBC's former Pakistan correspondent (Mr Owen Bennett Jones, the programme's reporter):

*"...charts the beliefs of an orthodox and conservative Islamic sect, which has huge influence within Britain's Muslim community. The week, he investigates the links between the leaders at some British Deobandi mosques, and terrorist groups in Pakistan".*

During the programme, the programme's reporter said that the programme would be:

*"revealing the history of British Deobandi links to militant organisations and the differences between Deobandi hard-liners and reformists and their battle for influence in Britain's Mosques. To be clear, most Deobandis reject violence, but some don't".*

The programme then considered the visit to the UK in 1993 by Masood Azhar, a Pakistan-based militant Islamic extremist. It assessed the welcome given to Mr Azhar by some UK mosques and institutions at the time, and the subsequent influence of Mr Azhar's visit on the radicalisation of young British Muslims. It also discussed the important role of the Kashmir Jihad (which is part of the Kashmir conflict) in extremism in Britain.

The programme included a pre-recorded interview with Mr Qureshi. The reporter introduced this section of the programme by saying:

*“Many Deobandis become quite indignant when journalists like me discuss their beliefs. ‘You make us look extreme’ they say, ‘You misunderstand us, you want to be negative, the media’s not fair’ and so on. So what image do they want to put forward? Take Toaha Qureshi MBE, a community leader from south London, known as a champion of interfaith work. He says that the true image of the Deobandis is spoiled by the actions of a hard-line minority”.*

Mr Qureshi responded as follows:

*“A tiny minority maybe, I guess you will find in every community. The vast majority of the Deobandis school of thought, they have quite adjusted themselves, so interfaith work is very important. Islam is not at war with the rest of the world or other religions...”.*

The reporter then said that he was not the first journalist to talk to Mr Qureshi. He said that in 2011, BBC London had reported on the activities of the Deobandis’ Stockwell Green Mosque, of which Mr Qureshi was, and remained, a trustee. The reporter said:

*“He came to their attention because of a leaflet published in Pakistan, showing apparent links between the Mosque and an extremist group in Pakistan calling for the death of a minority Muslim sect called the Ahmadiyya. Toaha Qureshi says that back in 2011 the BBC got it wrong”.*

Mr Qureshi said:

*“Well the BBC interview... I think the situation was very much cleared. It was nothing to do with the Stockwell Mosque. Someone had published that leaflet, maliciously introduced these pamphlets in the community. They used our address as well”.*

The reporter then said:

*“Yes, well this was you talking in 2011 to the BBC, ‘We don’t have any linkage with this organisation which is promoting hate’”.*

Mr Qureshi responded:

*“Yes. We do not have any links with any organisation... Khatme Nabuwaat and we do not have any linkage with any organisation that promotes hate. That’s true”.*

The reporter said that the organisation Khatme Nabuwaat was based in Pakistan and was also active, legally, in the UK. He said that the organisation was especially concerned with Ahmadiyya Muslims, with whom it had major theological differences. He said that Khatme Nabuwaat played a significant role in “ramping up” sectarian tensions. Following an interview with a lawyer working for Human Rights Watch in Pakistan, the reporter said the process of looking into Khatme Nabuwaat in the UK had led the programme makers back to the Stockwell Green Mosque, “which we’ve established had clear links with Khatme Nabuwaat in Pakistan, links Mosque trustee Toaha Qureshi describes as purely academic”.

Listeners then heard the following exchange between Mr Qureshi and the reporter:

- Mr Qureshi: *"There is a link that we only need, one would need some guidance or literature to get some reference, yes linkage is there.*
- Reporter: *So you take literature from them – are there any other links?*
- Mr Qureshi: *There is no other link.*
- Reporter: *No other link.*
- Mr Qureshi: *Not at all*
- Reporter: *Are you sure?*
- Mr Qureshi: *Yes. Positive, yes.*
- Reporter: *Well, I'm surprised you say that because in 2015, the annual conference of Khatme Nabuwaat with many guests from Pakistan was held in the Stockwell mosque.*
- Mr Qureshi: *Well, I'm not aware of that conference.*
- Reporter: *Come on, you're a trustee.*
- Mr Qureshi: *Well, I'm a trustee but I'm not aware of that...if there is any...*
- Reporter: *Are you aware of any meeting in 2015 in which senior Khatme Nabuwaat people came to Stockwell?*
- Mr Qureshi: *No, I'm not. As a matter of fact, I don't think I was here if it was in Summer. I was away for a few months, so something may have happened which I'm not privy to.*
- Reporter: *I mean, there's another reason to think that the connections between the mosque you're a trustee of and Khatme Nabuwaat are a little closer than you're suggesting, because if you look at the Khatme Nabuwaat website, there is an overseas office mentioned there, listed there, only one overseas office – it's your mosque.*
- Mr Qureshi: *Well, they are... they are... they are mistaken, that is not their office.*
- Reporter: *Do you consider Khatme Nabuwaat in Pakistan, from which you get literature, do you consider it to be a hate organisation?*
- Mr Qureshi: *No, that's not a hate organisation. There might have been odd cases here and there, but you can't penalise the majority with the actions of the minority.*
- Reporter: *Yes, but the point about Khatme Nabuwaat in Pakistan, is that it calls on Ahmadis to be killed.*
- Mr Qureshi: *No they don't.*
- Reporter: *Well, they do.*
- Mr Qureshi: *No they don't.*



Reporter: *Because, we found leaflets in your mosque, you're a trustee of, in Stockwell, calling Ahmadis apostates and saying apostates deserve to die.*

Mr Qureshi: *Well I haven't seen any of those. I would like to have a look.*

Reporter: *This is a pamphlet found in your Stockwell Mosque. 'All possible efforts should be made to clarify the doubts of someone who abandons Islam, otherwise he should be given the punishment of capital punishment'.*

Mr Qureshi: *Yes, well again, this is nothing to do with our Mosque. Someone might have put it there with malicious intentions. We have not published any pamphlet of that kind.*

Reporter: *I'm sorry, I'm sorry, you say these leaflets are not your leaflets. They are in your Mosque.*

Mr Qureshi: *Well if someone has left them in the Mosque, who provided them to you? Maybe Ahmadi who went there put some leaflets there.*

Reporter: *No, our researchers went there and found them.*

Mr Qureshi: *The researchers must be from the Ahmadiyya group probably.*

Reporter: *I'm sorry, no. A BBC researcher who has no religious stake in this. You can't throw that kind of slur at people.*

Mr Qureshi: *I have not seen this pamphlet. I went to the Mosque today as a matter of fact. It was again interfaith meeting today. And I only came back last night from Jerusalem from interfaith work. Now, I did not see this literature in my Mosque today and this is one thing, I will go and make a query that this leaflet had been, because this is not published by us.*

Reporter: *As a man who puts himself forward as a tolerant leader of interfaith initiatives, are you really comfortable taking literature from an organisation that is known in Pakistan as one of the most intolerant sectarian organisations in the country?*

Mr Qureshi: *No it's not.*

Reporter: *Many Ahmadis in Pakistan live in fear of this organisation.*

Mr Qureshi: *No they're not.*

Reporter: *Well we've spoken to many who...*

Mr Qureshi: *You have spoken to many because that is their desire, to come here to get political asylum, nothing else. You're supporting them, you're being part of the crime that they're committing.*

Reporter: *I find it absolutely extraordinary that someone who puts himself forward as an interfaith ambassador...*

Mr Qureshi: *Yes.*

Reporter: *Could describe the sufferings of the Ahmadis...*

Mr Qureshi: Yes.

Reporter: *... in Pakistan in such a dismissive way. For many, many years they have suffered persecution.*

Mr Qureshi: *I'm sorry, I don't agree with you because this is just one group who is suffering. The suffering, you are putting it out of context you see. Disproportionately you are presenting them. There is no reason at all. They are living side by side with the Muslims. They are living happily, they don't have any problem".*

The reporter concluded this part of the programme by saying:

*"That is a highly contentious statement. Human Rights Watch Pakistan has described the Ahmadis as by far the most persecuted group in the country and I've met Ahmadis who've had to flee their homes in Pakistan for fear of being murdered. We've discussed the plight of the Ahmadis with a number of Deobandis and most just see it differently. They say the Ahmadis have made a theological mistake, are not true Muslims and are therefore a threat to the faith. In lectures and in literature Khatme Nabuwaat describes Ahmadis as a cancer; people have been urged to boycott Ahmadi businesses and to shun them in social settings. Not just in Pakistan, but here in the UK too".*

The next and final section of the programme considered what the reporter described as *"the links between the violent anti-Shia group Sipah-e-Sahaba – or SSP for short – and senior British Deobandi leaders"* and, in particular, the struggle for control of the Glasgow Central Mosque between people linked to the SSP and *"more integration-minded Muslims"*.

## **Summary of the complaint and the broadcaster's response**

### *The complaint*

- a) Mr Qureshi complained that he was treated unjustly or unfairly in the programme as broadcast because he was "ambushed" in a hostile and aggressive manner during his interview on the programme and that he had not been made aware prior to the programme of the serious allegations that were to be put to him during the interview.

In particular, Mr Qureshi said that he had been invited to be interviewed for a documentary series on the Deobandi school of thought. He said that while he had agreed in principle, he had asked the programme makers for a "brief" in which he was informed that he would be asked, for example, about the strong influence of the Deobandi school in the UK, his role in the interfaith movement, challenge of extremism and the role that he had played in countering extremism and advising governments.

However, Mr Qureshi said that the interview raised completely different issues and that this resulted in unfairness because he was not able to give a considered and effective response. In particular, Mr Qureshi said that the interviewer claimed that there was an active approach to spreading hatred against the Ahmadiyya Muslim community by the Trust by creating and printing leaflets, and

that leaflets had been found at the Mosque that promoted hatred and extremism, despite the fact that these leaflets had been found to be fake. It was also alleged that the Trust was linked to an organisation named Khatme Nabuwaat in Pakistan.

Mr Qureshi said that if the BBC had given him prior notice of the allegations to be included in the programme, he would not have consented to the interview, as he was not the principal of the Trust, nor was he the person running the Trust on a day-to-day basis. Mr Qureshi also said that at the time of the alleged incidents, he had been out of the country for almost nine months.

- b) He was not given an appropriate and timely opportunity to respond to the allegations made against him and was therefore not able to give a considered and effective response.

### *The broadcaster's response*

The BBC first set out the purpose of the programme and the background to Mr Qureshi's contribution. It said that this episode "investigated links between leaders of some Deobandi mosques in the UK and Deobandi militant groups in Pakistan". The BBC explained that Mr Qureshi was a trustee of Aalami Majlise Tahaffuze Khatme Nabuwaat, the charitable trust that ran the Stockwell Green Mosque ("the Trust"). It also said that the Trust was a Deobandi organisation connected to Deobandi scholars in the UK and Pakistan who refute the tenets of the Ahmadiyya community which does not believe, unlike Deobandis and other mainstream Muslims, that Muhammad was the final prophet.

The broadcaster said that, while researching for the programme in 2015, one of the programme's producers had found a display of anti-Ahmadi leaflets at the Mosque ("the 2015 leaflets"). It said that these leaflets were a printed version of a tract which featured prominently on the website of the Trust's "sister organisation", Aalami Majlise Tahaffuze Khatme Nabuwaat in the city of Multan in Pakistan ("AMTKN Multan"). The BBC said that, although Mr Qureshi appeared to deny the Trust's connections to AMTKN Multan (both in his complaint and his interview for the programme), the link between the two organisations was clearly stated in the Trust's charity accounts under the heading "Associated Organisations"<sup>1</sup>. With regard to Mr Qureshi's claim, made in his complaint, that the 2015 leaflets "had been found to be fake", the BBC said that it had not been given any evidence that the leaflets were fake and, given that they were merely a reproduction of one of AMTKN Multan's core tracts, there appeared to be no reason to believe that they were fake.

The broadcaster also said that in 2011, the Mosque was linked to leaflets which incited violence against Ahmadis ("the 2011 leaflets") and that this was the subject of an earlier BBC investigation. It said that, at the time, Mr Qureshi claimed that these leaflets were incorrectly linked to the Mosque and also that the website of AMTKN Multan had "stated incorrectly that the Stockwell Green Mosque was its overseas office". The BBC said this second claim was contradicted by the Trust's accounts referred to above which stated that AMTKN in Multan was an associated organisation.

Turning to Mr Qureshi's specific complaints, the broadcaster denied that Mr Qureshi was "ambushed" during the interview. It said that the recording of the interview (a

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<sup>1</sup>[http://apps.charitycommission.gov.uk/Accounts/Ends15/0000328715\\_AC\\_20130831\\_E\\_C.pdf](http://apps.charitycommission.gov.uk/Accounts/Ends15/0000328715_AC_20130831_E_C.pdf) page 12.

copy of which was provided to Ofcom) showed that it was not conducted in a hostile and aggressive manner and that Mr Qureshi was treated with courtesy and given sufficient time to formulate his replies. The BBC accepted that the questions put to Mr Qureshi about the 2015 leaflets were not set out explicitly in the list of question areas he was given beforehand. However, it argued that the issue nevertheless fell within those question areas. In particular, the BBC said that it was covered by the area concerned with what Mr Qureshi had done to combat extremism, given that this issue had previously arisen in 2011 and that Mr Qureshi had been centrally involved in looking into it and responding on behalf of the Mosque. The BBC also said that the refutation of the Ahmadi doctrine was one of the core ideas promoted by the Deobandis' founding seminary in India where a Khatme Nabuwaat department was located.

The broadcaster said that, after this issue was raised during the interview, Mr Qureshi gave no indication that he found himself in any difficulty and that, in its view, this was because he was familiar with the issue, having had to deal with it when it first arose in 2011. The BBC also said that it did not believe that Mr Qureshi's response (in terms of the culpability of the Mosque or the charity) would have been materially different had he been given specific notice of it. His reply was simply that he had looked into this before and was satisfied that the 2015 leaflets were fakes.

The BBC acknowledged that, after the interview ended, Mr Qureshi said that he had not expected questions about the 2015 leaflets and that in his view the programme makers had behaved "unprofessionally" and "unethically". However, it also said that Mr Qureshi did not say that the inclusion of these questions had resulted in unfairness or prevented him from providing a considered and effective response.

In addition, the BBC said that given that over three weeks had elapsed between the recording of the interview and the broadcast, if Mr Qureshi had, on reflection, any further points which he wanted to see represented in the programme there was ample opportunity to raise them with the programme makers. The BBC said that there was correspondence between Mr Qureshi's son (who was also present at the interview) and the programme makers, about providing Mr Qureshi with copies of the 2015 leaflets which had been found in the Mosque, and also that Mr Qureshi left a message for one of the programme makers during this period. However, there was no suggestion during these contacts that Mr Qureshi was in any way concerned that his response had not been considered and effective.

The broadcaster observed that, in his complaint, Mr Qureshi stated that he had been out of the country at the time of the incidents under scrutiny. However, it said that in his interview, Mr Qureshi only argued this in relation to a conference which had taken place at the Mosque, not in relation to the leaflets found there in 2015. The BBC also noted that Mr Qureshi's response, that he had been out of the country, was represented in the programme.

The BBC said that while it accepted that Mr Qureshi was not given notice of some of the specific questions he was asked in the interview, it believed that the subjects concerned were covered by the question areas provided to Mr Qureshi and that, for the reasons they had given above, Mr Qureshi was not prevented from providing the programme makers with a considered and effective response.

The BBC provided Ofcom with copies of pre-broadcast correspondence between the programme makers and Mr Qureshi (and his representatives), as well as information about calls and texts between the parties that occurred during this period. This material included an email, sent on 14 March 2016, which informed Mr Qureshi that

the reporter was making “a two-part documentary series for BBC Radio 4 about the Deobandi movement” and asked Mr Qureshi if he would be willing to be interviewed “about the movement in Britain” for this programme. It also included a statement, made by one of the programme makers, indicating that, during a telephone conversation on 18 March 2016, Mr Qureshi had agreed to take part in the interview and asked to be emailed “the broad questions areas” he would be asked about during the interview. An email sent to Mr Qureshi later the same day explained that the reporter had already recorded some material and was “now concentrating on the strong influence of the Deobandi school in the UK”. It also explained that he wanted to interview Mr Qureshi about the following matters:

- “...from your experience in Stockwell, how the Deobandi school is maintaining its influence in Britain;
- how the Deobandi school has adapted (or not) to Britain – particularly in an area where there are Muslims from different ethnic backgrounds;
- where your imams/scholars come from (are they UK trained, darul uloom trained etc.);
- your role in the interfaith movement and the extent to which that is typical of those from a Deobandi background;
- the challenge of extremism in Britain;
- the role that you personally have played in countering extremism and advising governments”.

The email also said that the programme makers “are not expecting you [i.e. Mr Qureshi] to be an expert on the history or theology – we want you to talk from personal experience”.

### **Ofcom’s Preliminary View**

Ofcom prepared a Preliminary View that Mr Qureshi’s complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View and their comments relating directly to the complaint considered by Ofcom are summarised below.

#### *Mr Qureshi’s representations*

Mr Qureshi said that the evidence on which the programme based its claims about the 2015 leaflets in the mosque was flawed. In particular, he said that the programme wrongly attributed the leaflets to the mosque and the programme makers did not check whether the documents had any relation to the mosque or to which organisation they should have been attributed. Mr Qureshi said that “the leaflets were fake and the pamphlets/other material were printed by third party organisations... [and] had none of our [i.e. the Trust’s] details”.

Mr Qureshi also said that the programme makers did not give him a clear explanation as to why he was being asked to contribute to the programme regarding the leaflets. He also reiterated his view that, because he was not given advance notice of the allegation about the 2015 leaflets, he was unable to give a considered response.

Instead, he said that the programme makers gave him the leaflets and he had to reply on the spot.

In addition, Mr Qureshi questioned the validity of several specific comments made by the BBC in its initial response to this complaint and argued that the BBC was wrong to state that he had had “ample opportunity” to raise any further points he might have wished to with the programme makers after the interview, but prior to the broadcast because, as the BBC was aware, his daughter was in hospital during this time.

### *BBC's representations*

The BBC did not comment on the Preliminary View itself, other than to point out a factual error (now corrected). However, the broadcaster said that the programme did not allege that the mosque had been responsible for producing the leaflets, but instead, it said that the leaflets had been available in the mosque. The BBC also said that the organisation which was apparently responsible for printing the leaflets was closely “tied to the mosque”.

### **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness, if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its Decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript, both parties' written submissions, correspondence between Mr Qureshi and the programme makers, and an unedited recording and transcript of Mr Qureshi's interview. Ofcom also took account of the representations made by Mr Qureshi and the BBC in response to Ofcom's Preliminary View. However, Ofcom concluded that none of the further points raised by either party materially affected the outcome of not upholding the complaint.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code (“the Code”). Ofcom had regard to this Rule when reaching its Decision on the individual heads of complaint detailed below.

- a) Ofcom first considered Mr Qureshi's complaint that he was treated unjustly or unfairly in the programme as broadcast because he was “ambushed” in a hostile and aggressive manner during his interview on the programme and that he had

not been made aware prior to the programme of the serious allegations that were to be put to him during the interview.

Ofcom assessed whether the programme makers were fair in their dealings with Mr Qureshi as a potential contributor to the programme, as outlined in Practice 7.2 of the Code which states that: "Broadcasters and programme makers should normally be fair in their dealings with potential contributors to programmes, unless, exceptionally, it is justified to do otherwise". In particular, we considered whether Mr Qureshi gave his informed consent to participate in the programme, as outlined in Practice 7.3. This sets out that, in order for those invited to contribute to a programme to be able to make an informed decision about whether to take part, they should be given sufficient information about: the programme's nature and purpose; their likely contribution; the areas of questioning and wherever possible, the nature of other likely contributions; and, any changes to the programme that might affect their decision to contribute. Taking these measures is likely to result in the consent that is given being "informed consent".

Ofcom considered the information that was available to Mr Qureshi about the nature and likely content of the programme, and his likely contribution, in advance of agreeing to participate. In doing so, we took into account both parties' submissions (set out in detail in the "Summary of the complaint and broadcaster's response" and "Preliminary View" sections above).

We observed that, prior to the interview, the programme makers had told Mr Qureshi the topic of the programme and the broad question areas about which he would be asked during the interview. It was clear from the pre-interview email correspondence that Mr Qureshi was not told specifically that he would be asked about alleged connections between the Mosque and Khatme Nabuwaat (and notably the 2015 leaflets found in the Mosque). However, he was made aware that he would be asked to talk, from his personal experience (experience which included his trusteeship of the Mosque), about how the Deobandi school had adapted (or not) to Britain – particularly in an area where there are Muslims from different ethnic backgrounds; the challenge of extremism in Britain; and, the role that he had played in countering extremism and advising governments. Given this, and taking into account his previous experience investigating and responding to similar claims regarding alleged links between the Mosque and Khatme Nabuwaat in 2011, Ofcom considered that the programme makers' email to Mr Qureshi had included sufficient information for him to have understood both the nature of the programme to which he was being asked to contribute and the areas about which he would be questioned, including those concerning the alleged promotion of extremist views at the Mosque.

Having listened to an unedited recording of the interview, we noted the robust nature of the reporter's questioning of Mr Qureshi about the alleged links between the Mosque and Khatme Nabuwaat. However, the reporter ensured that Mr Qureshi was given time to respond fully to each of the points raised and that, throughout the interview, Mr Qureshi repeatedly expressed his position in clear and unambiguous terms. In addition, we observed that, although Mr Qureshi told the reporter that he wished that he had been shown the 2015 leaflets in advance of the interview, he continued to answer the reporter's questions about them, and alleged links between the Mosque and Khatme Nabuwaat in Pakistan, without raising any objections. We noted too that Mr Qureshi said that he did not mind answering questions about Khatme Nabuwaat "because I've got nothing to hide". Moreover, at no point, within the interview, did Mr Qureshi state that he did not

want to continue with the interview or that he would not respond to further questions about this particular subject.

Ofcom recognised that Mr Qureshi said that if the BBC had given him prior notice of the claims to be included in the programme he would not have consented to the interview; and, that at the time of the alleged incidents, he had been out of the country for almost nine months. However, we noted that, even if, as set out in his complaint, he was neither the principal of the Trust nor responsible for running it on a day-to-day basis, Mr Qureshi was one of four people who held responsibility for the Trust that ran the Mosque and he had been for a number of years. In addition, as noted above, Mr Qureshi had previously (in 2011) investigated similar claims about alleged links between the Mosque and the promotion of extremist views regarding the treatment of Ahmadis and had responded to these claims on behalf of the Mosque. In light of this, Ofcom considered that Mr Qureshi was aptly qualified to provide a response on behalf of the Mosque to the claims put to him during the interview and subsequently included in the programme. Further, although we understood that Mr Qureshi had been away for several months during 2015 [when the 2015 Khatme Nabuwaat conference was held at the Mosque], we noted that he explained this to the reporter during the interview and that his explanation was included in the programme. Therefore, given the above factors, Ofcom considered that the interview was conducted in a reasonable, though robust, manner and that the programme makers had dealt fairly with Mr Qureshi in respect to both the arrangement of the interview and how he was treated during it.

Taking into account all the factors noted above, Ofcom considered that Mr Qureshi had given his informed consent for the purposes of Rule 7.1 and Practices 7.2 and 7.3 and that, as a result, the inclusion of his contribution in the programme as broadcast did not result in unfairness to him.

Therefore, Ofcom found that there was no unfairness to Mr Qureshi in this respect.

- b) Ofcom next considered Mr Qureshi's complaint that he was treated unjustly or unfairly in the programme as broadcast because he was not given an appropriate and timely opportunity to respond and was therefore not able to give a considered and effective response to the allegations.

Ofcom took particular account of Practice 7.11 which states that, if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

As set out above, the programme included several claims about alleged links between the Mosque and the promotion of extremist views by Khatme Nabuwaat. We considered that, given the serious nature of these claims, in accordance with Practice 7.11, the programme makers needed to offer the Mosque an appropriate and timely opportunity to respond to the claims being made about it. As is also set out above, Mr Qureshi was asked and agreed to take part in an interview, in which questions about these matters were put to him.

Ofcom noted that although Mr Qureshi was not told specifically that he would be asked about Khatme Nabuwaat (or the presence of the 2015 leaflets in the mosque), in our opinion (and as set out in detail in the Decision at head a) above), he was given sufficient information by the programme makers to



understand the nature of the programme and the areas about which he would be questioned during the interview. We also noted our earlier conclusion that, given his long-held position at the Trust and his specific experience of investigating and answering questions about similar matters at the Mosque in 2011, Mr Qureshi was qualified to respond to the questions put to him. Moreover, Mr Qureshi responded to the reporter's questions about these matters without hesitation and he was able to clearly articulate his position while doing so (a position which was subsequently made clear to listeners in the programme).

In addition, we observed that, despite a period of just over three weeks (between the interview and the broadcast) in which Mr Qureshi could have made further points about the relevant allegations, he chose neither to make any additional comments to the programme makers regarding these matters himself nor, apparently, to seek any additional response from his fellow trustees. We noted that, in his representations on the Preliminary View, Mr Qureshi indicated that his daughter was unwell during this period. However, while we recognised the personal circumstances with which Mr Qureshi was dealing at the time, we remain of the view that should Mr Qureshi have wished to make any further points to the programme (or to ask his fellow trustees to do so on his behalf) he had sufficient time in which to do so prior to the broadcast.

Taking into account all the factors above, we took the view that Mr Qureshi was given an appropriate and timely opportunity to respond to the claims made in the programme.

Therefore, Ofcom found that there was no unfairness to Mr Qureshi in this respect.

**Ofcom has not upheld Mr Qureshi's complaint of unjust and unfair treatment in the programme as broadcast.**

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 19 September and 2 October 2016 because they did not raise issues warranting investigation.

### Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

| Programme                                    | Broadcaster             | Transmission Date | Categories                               | Number of complaints |
|--|-------------------------|-------------------|--|----------------------|
| Naked Attraction                             | 4Seven                  | 14/09/2016        | Nudity                                   | 1                    |
| Naked Attraction                             | 4Seven                  | 16/09/2016        | Nudity                                   | 1                    |
| Absolute Radio Show                          | Absolute Radio          | 04/09/2016        | Crime and disorder                       | 1                    |
| BBC News                                     | BBC 1                   | 19/09/2016        | Violence                                 | 1                    |
| BBC News                                     | BBC 1                   | 20/09/2016        | Generally accepted standards             | 1                    |
| BBC South News                               | BBC 1                   | 18/09/2016        | Gender discrimination/offence            | 1                    |
| EastEnders                                   | BBC 1                   | 23/09/2016        | Race discrimination/offence              | 3                    |
| EastEnders                                   | BBC 1                   | 28/09/2016        | Disability discrimination/offence        | 1                    |
| Mrs Brown's Boys                             | BBC 1                   | 17/09/2016        | Offensive language                       | 1                    |
| Pointless                                    | BBC 1                   | 19/09/2016        | Religious/Beliefs discrimination/offence | 1                    |
| Question Time                                | BBC 1                   | 15/09/2016        | Generally accepted standards             | 6                    |
| Strictly Come Dancing                        | BBC 1                   | 24/09/2016        | Scheduling                               | 1                    |
| Sunday Morning Live                          | BBC 1                   | 04/09/2016        | Race discrimination/offence              | 1                    |
| The Apprentice (trailer)                     | BBC 1                   | 29/09/2016        | Offensive language                       | 1                    |
| The Doctor Who Gave Up Drugs                 | BBC 1                   | 15/09/2016        | Materially misleading                    | 1                    |
| TV Licencing promotion                       | BBC 1                   | 26/09/2016        | Generally accepted standards             | 1                    |
| EastEnders<br>Emmerdale<br>Coronation Street | BBC 1 / ITV             | 16/09/2016        | Generally accepted standards             | 1                    |
| Make Me An Egghead                           | BBC 2                   | 23/09/2016        | Gender discrimination/offence            | 1                    |
| Victoria Derbyshire                          | BBC 2, BBC News Channel | 05/09/2016        | Scheduling                               | 1                    |
| Victoria Derbyshire                          | BBC 2, BBC News Channel | 12/09/2016        | Scheduling                               | 1                    |
| Victoria Derbyshire                          | BBC 2, BBC News Channel | 19/09/2016        | Scheduling                               | 1                    |

| Programme   | Broadcaster                | Transmission Date | Categories                               | Number of complaints |
|---|----------------------------|-------------------|--|----------------------|
| London: The Modern Babylon  | BBC 4                      | 24/09/2016        | Generally accepted standards             | 1                    |
| Reading and Leeds Festival  | BBC iPlayer and Red Button | 27/08/2016        | Drugs, smoking, solvents or alcohol      | 1                    |
| BBC News  | BBC News Channel           | 28/09/2016        | Offensive language                       | 1                    |
| A Service of Thanksgiving for the Life and Work of Sir Terry Wogan, KBE, DL | BBC Radio 2                | 27/09/2016        | Other                                    | 1                    |
| The Jeremy Vine Show  | BBC Radio 2                | 01/09/2016        | Race discrimination/offence              | 1                    |
| Afternoon Edition   | BBC Radio 5 Live           | 13/09/2016        | Generally accepted standards             | 1                    |
| Paralympics 2016  | BBC Radio 5 Live           | 13/09/2016        | Disability discrimination/offence        | 1                    |
| Live: Premier League Football   | BT Sport 1                 | 17/09/2016        | Race discrimination/offence              | 2                    |
| Cando FM  | Cando FM 106.3             | 13/09/2016        | Offensive language                       | 1                    |
| Horrible Histories: Gory Games  | CBBC                       | 07/08/2016        | Generally accepted standards             | 1                    |
| Postman Pat   | CBeebies                   | 10/09/2016        | Religious/Beliefs discrimination/offence | 1                    |
| 8 out of 10 Cats Does Countdown   | Channel 4                  | 24/09/2016        | Generally accepted standards             | 1                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 18/09/2016        | Animal welfare                           | 1                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 18/09/2016        | Generally accepted standards             | 2                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 18/09/2016        | Materially misleading                    | 1                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 18/09/2016        | Offensive language                       | 1                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 18/09/2016        | Religious/Beliefs discrimination/offence | 2                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 22/09/2016        | Offensive language                       | 1                    |
| Celebrity Island with Bear Grylls   | Channel 4                  | 22/09/2016        | Religious/Beliefs discrimination/offence | 1                    |
| Damned  | Channel 4                  | 27/09/2016        | Generally accepted standards             | 1                    |
| Dispatches: The Battle for the Labour Party                                 | Channel 4                  | 19/09/2016        | Due impartiality/bias                    | 7                    |
| First Dates   | Channel 4                  | 19/09/2016        | Offensive language                       | 1                    |
| Food Unwrapped: The Truth About Sugar                                       | Channel 4                  | 19/09/2016        | Animal welfare                           | 2                    |
| Hunted  | Channel 4                  | 29/09/2016        | Dangerous behaviour                      | 1                    |
| Naked Attraction  | Channel 4                  | 22/08/2016        | Nudity                                   | 1                    |
| Naked Attraction  | Channel 4                  | 17/09/2016        | Nudity                                   | 1                    |
| National Treasure   | Channel 4                  | 20/09/2016        | Offensive language                       | 7                    |
| National Treasure   | Channel 4                  | 20/09/2016        | Religious/Beliefs discrimination/offence | 1                    |

| Programme                                  | Broadcaster    | Transmission Date | Categories                               | Number of complaints |
|--|----------------|-------------------|--|----------------------|
| Paralympics 2016                           | Channel 4      | 08/09/2016        | Undue prominence                         | 1                    |
| Paralympics 2016                           | Channel 4      | 11/09/2016        | Generally accepted standards             | 1                    |
| The Billion Pound Flower Market            | Channel 4      | 05/09/2016        | Due impartiality/bias                    | 1                    |
| The Last Leg: Live from Rio                | Channel 4      | 08/09/2016        | Disability discrimination/offence        | 1                    |
| The Last Leg: Live from Rio                | Channel 4      | 10/09/2016        | Disability discrimination/offence        | 1                    |
| Travel Man: 48 Hours in New York           | Channel 4      | 23/09/2016        | Generally accepted standards             | 1                    |
| World of Weird                             | Channel 4      | 28/09/2016        | Generally accepted standards             | 1                    |
| Ben and Holly's Little Kingdom             | Channel 5      | 29/08/2016        | Materially misleading                    | 1                    |
| Fireman Sam                                | Channel 5      | 28/09/2016        | Religious/Beliefs discrimination/offence | 1                    |
| Gangland: Turf Wars                        | Channel 5      | 01/09/2016        | Crime and disorder                       | 5                    |
| Gangland: Turf Wars                        | Channel 5      | 01/09/2016        | Generally accepted standards             | 3                    |
| Gangland: Turf Wars                        | Channel 5      | 01/09/2016        | Race discrimination/offence              | 7                    |
| Police Interceptors                        | Channel 5      | 06/09/2016        | Offensive language                       | 1                    |
| The Hotel Inspector                        | Channel 5      | 25/09/2016        | Offensive language                       | 2                    |
| The Hotel Inspector Returns                | Channel 5      | 20/09/2016        | Competitions                             | 1                    |
| The Wright Stuff                           | Channel 5      | 02/09/2016        | Animal welfare                           | 1                    |
| The Wright Stuff                           | Channel 5      | 09/09/2016        | Generally accepted standards             | 2                    |
| The Wright Stuff                           | Channel 5      | 20/09/2016        | Race discrimination/offence              | 1                    |
| The Wright Stuff                           | Channel 5      | 21/09/2016        | Other                                    | 1                    |
| The Wright Stuff                           | Channel 5      | 22/09/2016        | Other                                    | 1                    |
| When TV Goes Horribly Wrong                | Channel 5      | 18/09/2016        | Generally accepted standards             | 1                    |
| News and weather                           | Classic FM     | 21/09/2016        | Other                                    | 1                    |
| The Roast of Justin Bieber                 | Comedy Central | 04/09/2016        | Generally accepted standards             | 1                    |
| The Roast of Rob Lowe                      | Comedy Central | 09/09/2016        | Disability discrimination/offence        | 1                    |
| Betsafe's sponsorship of primetime on dave | Dave           | 13/09/2016        | Sponsorship credits                      | 1                    |
| Betsafe's sponsorship of primetime on Dave | Dave           | 14/09/2016        | Sponsorship credits                      | 1                    |
| Betsafe's sponsorship of primetime on Dave | Dave           | 22/09/2016        | Sponsorship credits                      | 1                    |
| Betsafe's sponsorship of primetime on Dave | Dave           | 23/09/2016        | Sponsorship credits                      | 1                    |

| Programme                                  | Broadcaster    | Transmission Date | Categories                               | Number of complaints |
|--|----------------|-------------------|--|----------------------|
| Betsafe's sponsorship of primetime on Dave | Dave           | 26/09/2016        | Sponsorship credits                      | 1                    |
| Betsafe's sponsorship of primetime on Dave | Dave           | n/a               | Sponsorship credits                      | 1                    |
| Marooned with Ed Stafford                  | Discovery      | 22/09/2016        | Materially misleading                    | 1                    |
| Babe station                               | E4             | 16/09/2016        | Scheduling                               | 1                    |
| Bodyfixers                                 | E4             | 27/09/2016        | Gender discrimination/offence            | 1                    |
| Celebs Go Dating                           | E4             | 13/09/2016        | Animal welfare                           | 1                    |
| Tattoo Fixers on Holiday                   | E4             | 06/09/2016        | Religious/Beliefs discrimination/offence | 1                    |
| The Counsellor                             | Film4          | 03/09/2016        | Generally accepted standards             | 1                    |
| American Horror Story (trailer)            | Fox            | 10/09/2016        | Generally accepted standards             | 1                    |
| Babestation Daytime Extra                  | Get Lucky TV   | 13/09/2016        | Sexual material                          | 1                    |
| Ziyarat Ashurah                            | Hidayat TV     | 07/08/2016        | Religious/Beliefs discrimination/offence | 1                    |
| The Human Centipede                        | Horror Channel | 24/08/2016        | Generally accepted standards             | 1                    |
| Car Wars                                   | ITV            | 20/09/2016        | Dangerous behaviour                      | 11                   |
| Channel idents for The X Factor            | ITV            | 17/09/2016        | Surreptitious advertising                | 1                    |
| Coronation Street                          | ITV            | 05/09/2016        | Generally accepted standards             | 8                    |
| Coronation Street                          | ITV            | 16/09/2016        | Generally accepted standards             | 9                    |
| Coronation Street                          | ITV            | 22/09/2016        | Generally accepted standards             | 1                    |
| Coronation Street                          | ITV            | 23/09/2016        | Generally accepted standards             | 1                    |
| Coronation Street                          | ITV            | 23/09/2016        | Religious/Beliefs discrimination/offence | 5                    |
| Emmerdale                                  | ITV            | 02/09/2016        | Age discrimination/offence               | 2                    |
| Emmerdale                                  | ITV            | 08/09/2016        | Disability discrimination/offence        | 1                    |
| Emmerdale                                  | ITV            | 08/09/2016        | Scheduling                               | 1                    |
| Emmerdale                                  | ITV            | 13/09/2016        | Generally accepted standards             | 1                    |
| Emmerdale                                  | ITV            | 26/09/2016        | Crime and disorder                       | 441                  |
| Emmerdale                                  | ITV            | 26/09/2016        | Disability discrimination/offence        | 3                    |
| Emmerdale                                  | ITV            | 27/09/2016        | Crime and disorder                       | 64                   |
| Emmerdale                                  | ITV            | 27/09/2016        | Generally accepted standards             | 1                    |
| Emmerdale                                  | ITV            | 27/09/2016        | Materially misleading                    | 5                    |
| Good Morning Britain                       | ITV            | 14/09/2016        | Generally accepted standards             | 1                    |
| Good Morning Britain                       | ITV            | 28/09/2016        | Generally accepted standards             | 1                    |

| Programme                                     | Broadcaster               | Transmission Date | Categories                                | Number of complaints |
|---|---------------------------|-------------------|---|----------------------|
| Jeremy Kyle's Emergency Room                  | ITV                       | 21/09/2016        | Nudity                                    | 1                    |
| Jeremy Kyle's Emergency Room                  | ITV                       | 26/09/2016        | Scheduling                                | 1                    |
| Judge Rinder                                  | ITV                       | 16/09/2016        | Generally accepted standards              | 1                    |
| Loose Women                                   | ITV                       | 01/09/2016        | Materially misleading                     | 3                    |
| Loose Women                                   | ITV                       | 07/09/2016        | Due impartiality/bias                     | 1                    |
| Loose Women                                   | ITV                       | 12/09/2016        | Gender discrimination/offence             | 1                    |
| Lorraine                                      | ITV                       | 19/09/2016        | Generally accepted standards              | 1                    |
| Newzoids                                      | ITV                       | 17/09/2016        | Generally accepted standards              | 1                    |
| Paranoid                                      | ITV                       | 22/09/2016        | Disability discrimination/offence         | 9                    |
| Programming                                   | ITV                       | 16/09/2016        | Generally accepted standards              | 1                    |
| Sainsbury's sponsorship of ITV Showcase Drama | ITV                       | 04/09/2016        | Sponsorship credits                       | 1                    |
| Sainsbury's sponsorship of ITV Showcase Drama | ITV                       | 11/09/2016        | Sponsorship credits                       | 1                    |
| The Chase                                     | ITV                       | 20/09/2016        | Fairness                                  | 1                    |
| The Jeremy Kyle Show                          | ITV                       | 13/09/2016        | Generally accepted standards              | 1                    |
| The Jeremy Kyle Show                          | ITV                       | 13/09/2016        | Scheduling                                | 1                    |
| The Jeremy Kyle Show                          | ITV                       | 26/09/2016        | Scheduling                                | 1                    |
| The Jonathan Ross Show                        | ITV                       | 17/09/2016        | Materially misleading                     | 1                    |
| The X Factor                                  | ITV                       | 17/09/2016        | Generally accepted standards              | 1                    |
| The X Factor                                  | ITV                       | 17/09/2016        | Sexual orientation discrimination/offence | 1                    |
| The X Factor                                  | ITV                       | 25/09/2016        | Other                                     | 7                    |
| This Morning                                  | ITV                       | 02/09/2016        | Race discrimination/offence               | 1                    |
| This Morning                                  | ITV                       | 12/09/2016        | Generally accepted standards              | 1                    |
| This Morning                                  | ITV                       | 22/09/2016        | Generally accepted standards              | 1                    |
| This Morning                                  | ITV                       | 23/09/2016        | Competitions                              | 1                    |
| This Morning                                  | ITV                       | 26/09/2016        | Scheduling                                | 6                    |
| You've Been Framed                            | ITV                       | 10/09/2016        | Race discrimination/offence               | 1                    |
| You've Been Framed                            | ITV                       | 24/09/2016        | Animal welfare                            | 1                    |
| Newzoids                                      | ITV +1                    | 17/09/2016        | Generally accepted standards              | 1                    |
| ITV News Meridian                             | ITV Meridian              | 16/09/2016        | Due impartiality/bias                     | 1                    |
| Programming                                   | ITV, Channel 4, Channel 5 | n/a               | Generally accepted standards              | 1                    |

| Programme                            | Broadcaster  | Transmission Date | Categories                               | Number of complaints |
|--------------------------------------|--------------|-------------------|--|----------------------|
| Celebrity Juice                      | ITV2         | 08/09/2016        | Generally accepted standards             | 4                    |
| Celebrity Juice                      | ITV2         | 10/09/2016        | Generally accepted standards             | 1                    |
| Celebrity Juice                      | ITV2         | 22/09/2016        | Drugs, smoking, solvents or alcohol      | 1                    |
| Family Guy                           | ITV2         | 18/09/2016        | Generally accepted standards             | 1                    |
| Hell's Kitchen                       | ITV2         | 14/09/2016        | Generally accepted standards             | 1                    |
| Judge Rinder                         | ITV2         | 21/09/2016        | Disability discrimination/offence        | 1                    |
| The Jeremy Kyle Show                 | ITV2         | 14/09/2016        | Generally accepted standards             | 1                    |
| The Xtra Factor (trailer)            | ITV2         | 10/09/2016        | Scheduling                               | 1                    |
| The Xtra Factor Live                 | ITV2         | 25/09/2016        | Disability discrimination/offence        | 1                    |
| CITV Squad (trailer)                 | ITV2+1       | 14/09/2016        | Scheduling                               | 1                    |
| Warner Leisure Hotels sponsorship ad | ITV3         | 15/08/2016        | Generally accepted standards             | 1                    |
| La Vuelta a Espana highlights        | ITV4         | 31/08/2016        | Undue prominence                         | 1                    |
| Real Housewives of Potomac           | ITVBe        | 23/08/2016        | Race discrimination/offence              | 1                    |
| Ian Payne                            | LBC 97.3 FM  | 11/09/2016        | Crime and disorder                       | 1                    |
| Katie Hopkins                        | LBC 97.3 FM  | 31/07/2016        | Transgender discrimination/offence       | 1                    |
| Nick Ferrari                         | LBC 97.3 FM  | 19/09/2016        | Race discrimination/offence              | 1                    |
| Steve Allen                          | LBC 97.3 FM  | 07/09/2016        | Due impartiality/bias                    | 1                    |
| Steve Allen                          | LBC 97.3 FM  | 11/09/2016        | Race discrimination/offence              | 1                    |
| Steve Allen                          | LBC 97.3 FM  | 23/09/2016        | Other                                    | 1                    |
| Sarah Beeny's Four Rooms             | More 4       | 19/09/2016        | Advertising/editorial distinction        | 1                    |
| Ex on the Beach                      | MTV          | 17/08/2016        | Generally accepted standards             | 1                    |
| It's Me or the Dog                   | PICK + 1     | 19/09/2016        | Animal welfare                           | 1                    |
| Advertisements                       | Rishtey      | 08/09/2016        | Advertising minutage                     | 1                    |
| Sky News                             | Sky News     | 16/09/2016        | Due impartiality/bias                    | 1                    |
| Sky News                             | Sky News     | 19/09/2016        | Generally accepted standards             | 1                    |
| Sky News                             | Sky News     | 23/09/2016        | Generally accepted standards             | 2                    |
| Sky News                             | Sky News     | 23/09/2016        | Scheduling                               | 2                    |
| Celtic v Rangers                     | Sky Sports 2 | 10/09/2016        | Religious/Beliefs discrimination/offence | 1                    |
| The Simpsons                         | Sky1         | 27/08/2016        | Race discrimination/offence              | 1                    |
| Aliens (trailer)                     | Syfy         | 12/09/2016        | Scheduling                               | 2                    |
| Programme Trailer                    | TruTV        | 07/08/2016        | Scheduling                               | 1                    |

| Programme    | Broadcaster | Transmission Date | Categories                  | Number of complaints |
|--------------|-------------|-------------------|-----------------------------|----------------------|
| News         | Various     | 21/09/2016        | Race discrimination/offence | 1                    |
| Traffic Cops | W           | 17/09/2016        | Offensive language          | 1                    |

### Complaints assessed under the General Procedures for investigating breaches of broadcast licences

For more information about how Ofcom assesses complaints about broadcast licences, go to: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0019/31942/general-procedures.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-procedures.pdf)

| Licensee        | Licensed service | Categories |
|-----------------|------------------|------------|
| Radio Clyde Ltd | Clyde 2          | Format     |



## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts, accuracy in BBC programmes or an on demand service does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

### Complaints about television or radio programmes

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

| Programme                            | Broadcaster             | Transmission Date | Categories            | Number of complaints |
|--------------------------------------|-------------------------|-------------------|-----------------------|----------------------|
| Advertisement                        | 5 Star                  | 17/09/2016        | Advertising content   | 1                    |
| BBC News                             | BBC 1                   | 23/09/2016        | Due accuracy          | 1                    |
| BBC News                             | BBC 1                   | 25/09/2016        | Due accuracy          | 1                    |
| Breakfast                            | BBC 1                   | 16/09/2016        | Due impartiality/bias | 1                    |
| Breakfast                            | BBC 1                   | 17/09/2016        | Due impartiality/bias | 1                    |
| Panorama: Labour: Is the Party Over? | BBC 1                   | 19/09/2016        | Due impartiality/bias | 1                    |
| Newsnight                            | BBC 2                   | 16/09/2016        | Due impartiality/bias | 1                    |
| Amol Rajan                           | BBC Asian Network       | 27/09/2016        | Due impartiality/bias | 1                    |
| BBC News                             | BBC News Channel        | 16/09/2016        | Due accuracy          | 1                    |
| BBC News                             | BBC Radio 5 Live        | 21/09/2016        | Due impartiality/bias | 1                    |
| News                                 | BBC World Service       | 24/09/2016        | Due impartiality/bias | 1                    |
| Advertisement                        | BET UK                  | 25/09/2016        | Advertising content   | 1                    |
| Advertisement                        | BT Sport 1              | 24/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Capital FM (Birmingham) | 16/09/2016        | Advertising content   | 1                    |
| Advertisement                        | CBS Action              | 23/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Channel 4               | 17/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Channel 5               | 18/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Channel 5               | 19/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Channel 5               | 22/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Discovery               | 16/09/2016        | Advertising content   | 1                    |
| Advertisement                        | Gold                    | 23/09/2016        | Advertising content   | 1                    |
| Advertisement                        | ITV                     | 21/09/2016        | Advertising content   | 1                    |

| <b>Programme</b>  | <b>Broadcaster</b> | <b>Transmission Date</b> | <b>Categories</b>                 | <b>Number of complaints</b> |
|-------------------|--------------------|--------------------------|-----------------------------------|-----------------------------|
| Advertisement     | ITV                | 22/09/2016               | Advertising content               | 1                           |
| Advertisement     | ITV                | 23/09/2016               | Advertising content               | 1                           |
| Advertisement     | ITV                | 24/09/2016               | Advertising content               | 1                           |
| Advertisement     | ITV                | 25/09/2016               | Advertising content               | 1                           |
| Advertisement     | ITV                | 28/09/2016               | Advertising content               | 1                           |
| Advertisement     | ITV and Channel 4  | 26/09/2016               | Advertising content               | 1                           |
| Advertisement     | ITV2               | 17/09/2016               | Advertising content               | 1                           |
| Election Coverage | Manx Radio         | 22/09/2016               | Offensive language                | 1                           |
| Advertisement     | MTV                | 27/09/2016               | Advertising content               | 1                           |
| Advertisements    | n/a                | 19/09/2016               | Advertising content               | 1                           |
| Sky Q promotions  | Sky 1              | 01/08/2016               | Advertising/editorial distinction | 1                           |
| Advertisement     | Spike              | 21/09/2016               | Advertising content               | 1                           |
| Advertisement     | Syfy               | 27/09/2016               | Advertising content               | 1                           |
| Advertisement     | TalkSport          | 23/09/2016               | Advertising content               | 1                           |
| Advertisement     | Travel Channel     | 18/09/2016               | Advertising content               | 1                           |
| Advertisement     | Various            | 27/09/2016               | Advertising content               | 1                           |
| Advertisement     | Various            | 28/09/2016               | Advertising content               | 1                           |
| Advertisement     | Viva               | 27/09/2016               | Advertising content               | 1                           |

## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched between 19 September and 2 October 2016

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

| Programme                             | Broadcaster           | Transmission date |
|---------------------------------------|-----------------------|-------------------|
| Advertisement                         | Aaj Tak               | 6 September 2016  |
| Father Spitzer's Universe             | EWTN                  | 11 August 2016    |
| Hogan's Heroes                        | Forces TV             | 18 July 2016      |
| Frightfest 2016 (trailer)             | Horror Channel        | 24 August 2016    |
| Kanshi Radio                          | Kanshi Radio          | 1 September 2016  |
| Bulletin                              | Made in Tyne and Wear | 9 September 2016  |
| The Railway: Keeping Britain on Track | Quest                 | 28 August 2016    |
| The News Hour                         | Times Now             | 1 August 2016     |

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

### Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

| Programme                              | Broadcaster | Transmission date  |
|--|-------------|--------------------|
| Gurdwara Miri Piri Sahib Kar Sewa Live | MATV        | 6 and 13 June 2016 |

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes, go to: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0031/57388/fairness-privacy-complaints.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0031/57388/fairness-privacy-complaints.pdf)