

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 to secure the standards objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act².

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
 - the prohibition on 'political' advertising;
 - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
 - gambling, dating and 'message board' material where these are broadcast as advertising³.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for 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 (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it 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 requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

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

It is Ofcom's policy to describe fully 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.

Notice of Revocation

Ausaf UK Limited

Introduction

Ausaf UK Limited (the "Licensee") held a licence (TLCS101719 – the "Licence") to provide the Ausaf TV service under the Broadcasting Act 1990.

In accordance with our duty under section 3(3) of the Broadcasting Act 1990 (the "1990 Act"), Ofcom opened an investigation into the Licensee about whether those in control were 'fit and proper' to hold the licence. Ofcom's concerns related to the links between Ausaf UK Limited and the Daily Ausaf newspaper. We had identified that content of a potentially harmful nature had been published in the Daily Ausaf newspaper.

On 22 June 2018, Ofcom notified the Licensee that, subject to consideration of any representations from the Licensee, it was minded to revoke the Licence on the basis that it was no longer satisfied that the Licensee remained a fit and proper person to hold a broadcasting licence (the "June 2018 Notification").

Decision

Having considered all the relevant evidence and the Licensee's oral representations to Ofcom on the matters set out in Ofcom's June 2018 Notification, on 4 September 2018, Ofcom gave notice to the Licensee pursuant to section 3(3)(b) of the 1990 Act and Condition 29(3)(c) of the Licence that it had decided, for the reasons set out in the Notice of Revocation¹, that:

- it was no longer satisfied that those in control of the Licensee were fit and proper to hold a broadcast licence; and
- therefore, the Licence was revoked with immediate effect.

Revocation of the licence under section 3 (3)(b) of the Broadcasting Act 1990 and Condition 29(3)(c) of the Licence.

¹ Ofcom's Notice of Revocation, which sets out Ofcom's decision in full, can be found here: https://www.ofcom.org.uk/_data/assets/pdf_file/0027/119781/Notice-of-Revocation-Ausaf-UK-Ltd.pdf

Broadcast Standards cases

In Breach

Do the Right Thing with Eamonn and Ruth **Channel 5, 29 March 2018, 22:00**

Introduction

Do the Right Thing with Eamonn and Ruth ("DTRT") is a consumer entertainment programme broadcast on Channel 5 ("the Licensee"). The programme is hosted by Eamonn Holmes ("Eamonn") and Ruth Langsford ("Ruth").

Ofcom received two complains about a report in the episode broadcast on 29 March 2018 on electronic training collars ("e-collars") for dogs and cats¹. The complainants considered this discussion was not impartial.

At the start of the programme, Eamonn highlighted the various subjects that were going to be discussed in the programme, including the discussion about e-collars. He said: *"Should pet shock collars be banned? We think so"*.

The five-minute report about e-collars started 33 minutes into the programme and opened with the following exchange between Eamonn and Ruth:

Ruth: *"It's often said that we are a nation of pet lovers, but we wondered how true that is when we heard about electric shock collars that some animal owners are using to train their pets"*.

Eamonn: *"Now those type of collars are designed to control and train dogs and cats, they cost as little as 20 quid. But many people see them as cruel, because they give animals an actual electric shock in order to control them. Less of a training tool and more of a torture device if you ask people like Ruth and I, because we have our own wonderful little rescue dog, Maggie. Ruth, can you ever imagine controlling or training her by inflicting that sort of pain on her?"*

Ruth: *"Not in a million years"*.

Eamonn: *"Giving her an electric shock?"*

Ruth: *"No. Never. Now encouragingly Wales has already banned the use of these collars, and Scotland is following suit very soon. The government in England is now looking at whether they should be banned in England too"*.

This was followed by an interview between Ruth and a dog owner who had used an e-collar. The interviewee explained that their dog's behaviour had worsened after using the e-collar. The interviewee also said that when the e-collar was used the dog *"was clearly in pain"* and it *"was pretty horrible"*.

¹ E-collars are corrective behaviour devices which allow electronic shocks to be applied to pets by their owners.

Following the interview, Ruth said:

"The Kennel Club conducted a survey and found that three out of four of you would support a ban of these shock collars. They also found that one in three dogs will yelp in pain at the first use of a shock collar and yet, one percent of owners do use them to train their pets. That means that there are potentially 85,000 shock collars being used today".

Eamonn then explained that he would be using an e-collar on Roman Kemp (a reporter for the programme) to demonstrate *"what it would be like if a human experienced this"*. During the demonstration and as he was shocked by the e-collar, Roman Kemp stood up and jumped backwards from his seat. The studio audience and Ruth gasped. After the demonstration, Roman Kemp and Eamonn discussed how it had felt:

Eamonn: *"So you can see he had absolutely no control over his body there. That looked as if it hurt".*

Roman: *"You kind of feel it throughout your whole body. You feel the whole thing go through and people always think that with these shock collars that they're just like a static shock, but they're not. You feel almost like a burning sensation on the inside of your arm as well and it's like, it's not nice".*

Eamonn: *"It's vicious isn't it?"*

Roman: *"It is, it is. It's a weapon, that's what it's like".*

During this conversation, viewers' tweets were shown scrolling across the bottom of the screen. They read:

"...Dog training collars that give dogs shocks should be BANNED! Well done @romankemp for demonstrating how painful the shock can be";

"...Didn't realise electric shock collars weren't illegal and are still stocked in many popular pet stores! #banshockcollars"; and,

"...electric shock collars for animals must be banned! No animal should be subjected to such torture #dotherightthing".

Michael Underwood (a reporter for the programme) and Eamonn then concluded the segment with the following exchange:

Michael: *"The Dogs Trust tells us that they are appalled that it's still legal to buy and use electric shock collars in England. This type of device is not only painful for a dog, but it can have seriously negative impacts on their mental and physical wellbeing".*

Eamonn: *"If you agree with the Dogs Trust, lobby your MP. All the details are on the screen [the address for the programme's website was shown at the bottom of the screen] and on our website right now. We hope by telling this story that anyone who is using an electric shock dog collar or cat collar will think again and hopefully chose other ways of training their pets".*

This programme was broadcast during the period that the Department for Environment, Food and Rural Affairs ("DEFRA") was consulting on proposals to ban the use of e-collars in England². This consultation ran between 12 March and 27 April 2018³. For this reason, we considered that the programme was potentially dealing with a matter of political controversy or current public policy and the material raised issues under Rule 5.5 of the Code:

Rule 5.5: "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service. This may be achieved within a programme or over a series of programmes taken as a whole".

In the course of assessing the complaints, we became aware that Eamonn and Ruth are patrons of The Dogs' Trust. We therefore considered the material also raised potential issues under Rule 5.8 of the Code:

Rule 5.8: "Any personal interest of a reporter or presenter, which would call into question the due impartiality of the programme, must be made clear to the audience".

Ofcom requested comments from the Licensee about how the content complied with these rules.

Response

Channel 5 said that the topics discussed on *DTRT* range from light-hearted to more serious consumer issues. It said that "the use of e-collars is a subject that viewers are concerned about and research established that animal welfare agencies and the Government were concerned about the use of e-collars on domestic animals too".

The Licensee referred to an independent report commissioned by DEFRA that "had shown that e-collars could have a detrimental welfare effect on dogs and could cause harm and suffering". Channel 5 said that the DEFRA consultation which was open at the time of broadcast was not a controversial policy, but that the production company "was well aware of the need to ensure adequate impartiality, as far as practicable".

Channel 5 provided a list of organisations that it said were contacted by the producers for viewpoints, which included independent dog trainers, animal rescue charities and dog charities. It said that all of the people who were contacted were in support of a ban of e-collars and that in this case, there were not "identifiable, differing voices" on the subject of banning e-collars.

² The use of e-collars was banned in Wales in 2010 and the Scottish Government have announced plans to issue statutory guidance on the use of the collars.

³ On 27 August 2018 DEFRA published a statement summarising the responses it received to the consultation and its response. In summary, DEFRA decided to ban the use of hand-held remote controlled e-collars. See: <https://www.gov.uk/government/consultations/animal-welfare-banning-the-use-of-electronic-training-collars-for-cats-and-dogs>

The Licensee outlined that it might have been possible to seek views of e-collar manufacturers, but considered that those views would “be biased, not independent, and would not have reflected opposing views to those of the independent parties the production company represented in the broadcast”. It also said that the fact that e-collars are available on the market “meant that the manufacturers supported their sale” and “*DTRT* audiences were alert enough to appreciate that simple reality”.

The Licensee also commented on the expectations of the audience for this programme. It said that *DTRT* was not presented as, or perceived as, a hard hitting current affairs programme. Rather, it was an advice programme that sought to raise awareness of current issues. In its opinion, viewers of *DTRT* “would not have been expecting a forensic examination of the question of whether or not e-collars for domestic animals should be banned. Rather [...] a topic of interest would be discussed so that the audience could make up its own mind about it”.

The Licensee said that it was unaware of Eamonn and Ruth’s positions as patrons of the Dogs Trust and that the production company did not tell the Licensee about this. However, not providing the audience with this information did not, in Channel 5’s opinion, call the impartiality of the programme into question as the Dogs Trust was referred to briefly in the programme and its stance on the use of e-collars had been widely reported in the media during that period. It also said that Eamonn and Ruth “were not involved in any way in the conception or in the making of this piece”.

Ofcom’s procedures for investigating breaches of content standards⁴ state that wherever possible broadcasters should seek to take account of and include the representations of persons/bodies (e.g. presenters, producers and/or independent programme makers) who may be directly affected by the outcome of Ofcom’s investigation and determination of a complaint and who may have interests independent of the relevant broadcaster. Ofcom therefore asked Channel 5 whether it had sought representations from Eamonn and Ruth when it was preparing its response to Ofcom. In response, Channel 5 confirmed that Eamonn and Ruth wished to make clear that they “had no input or influence whatsoever” into the policies or campaigns of the Dogs Trust.

Decision

Reflecting our duties under the Communications Act 2003⁵, Section Five of the Code requires that the special impartiality requirements are complied with, including that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

Ofcom has taken account of the audience’s and broadcaster’s right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

⁴ https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf (see paragraph 1.28)

⁵ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

Application of Rule 5.5

Ofcom first considered the application of Rule 5.5 – that is, whether the programme concerned matters of political or industrial controversy or matters relating to current public policy.

The Licensee submitted that the proposal to ban e-collars was not politically controversial. The Code defines “matters relating to current public policy” as relating to “a policy under discussion or already decided by a local, regional or national government...” and also explains that “matters relating to current public policy need not be the subject of debate”. The Government was actively consulting on proposals to introduce a ban on the use of e-collars in England at the time this programme was broadcast. Additionally, Ofcom is aware that the ensuing debate elicited strong and, in some cases, opposing views. We discuss this in more detail below.

In these circumstances Ofcom considered that the programme covered a matter of current public policy and, accordingly, the Licensee was required to maintain due impartiality on this subject.

Preservation of due impartiality

The Code makes clear that “due” means adequate or appropriate to the subject and nature of the programme. This does not mean that an equal division of time must be given to every view, or that every argument must be represented, but an appropriate balance needs to be struck either in the programme or across a series of programmes.

Due impartiality can be preserved in a number of ways and it is for the broadcaster to determine how it ensures this having regard to the context, as defined in Section Two (Harm and Offence) of the Code. Context includes a number of factors such as the editorial content of the programme, the service on which the material is broadcast, the likely size, composition and expectation of the audience and the effect on viewers who may come across the programme unawares.

We took account of the Licensee's comments about the relevant contextual factors in this case. In particular, the Licensee said that the subject matter being discussed was not politically controversial, that *DTRT* was not a hard-hitting current affairs programme and that viewers recognised this and would not have expected a forensic examination of the question of whether or not e-collars should be banned.

We acknowledged that *DTRT* is a magazine-style programme that covers a broad range of issues from light-hearted topics through to more serious consumer-focused features. As well as the discussion about e-collars, this edition of the programme also included items about a skateboarding dog and the importance of having a carbon monoxide alarm at home. Ofcom considered that viewers would have expected the programme to include a range of content and that they would have understood the distinction between separate items, both in subject matter and treatment. As such, they would have appreciated the serious nature of the discussion about e-collars and the significance of the issues it raised but they would not necessarily have been aware of the full range of views on the issue, particularly the counter-arguments in support of e-collars.

Given the nature of the discussion and the fact that it concerned an issue of public policy which was the subject of an ongoing Government consultation it was therefore incumbent on the Licensee to ensure it approached this particular discussion with appropriate balance. Ofcom therefore went on to assess the way in which the discussion in this particular segment of the programme was presented.

The programme contained various statements supportive of the UK Government's proposal to introduce a ban on e-collars. For example:

- Eamonn said *"Should e-collars be banned? We think so"*;
- Ruth said she would *"not in a million years"* use an e-collar on her own dog;
- e-collars were described as a *"torture device"*, *"vicious"*, and *"a weapon"*;
- it was described as encouraging that Wales had already *"banned the use of these collars, and Scotland is following suit very soon"*;
- a statement from the Dogs Trust was read out giving its view that it was *"appalled"* that e-collars were *"still legal to buy and use in England"*; and
- a series of three viewer tweets were broadcast that all supported a ban of e-collars.

The programme also contained a clear call to action for viewers to actively lobby for the ban. Eamonn spoke directly to camera at the end of this item and said:

"If you agree with the Dogs Trust [that e-collars should be banned in England], lobby your MP. All the details are on the screen and on our website right now. We hope by telling this story that anyone who is using an electric shock dog collar or cat collar will think again and hopefully choose other ways of training their pets".

We considered that this comment was at odds with the Licensee's assertion that the topic was not politically controversial. This, together with the programme's various statements in support of the ban on e-collars, served to promote a particular viewpoint which was neither balanced nor challenged by any alternative views or discussion.

In its representations, the Licensee said that the programme makers had contacted a number of organisations seeking their input but they were "all [...] in agreement with DEFRA's proposal to ban these types of e-collar". The Licensee also said it was unable to find any independent party prepared to speak in favour of e-collars and although it would have been possible to speak to an e-collar manufacturer, such views would have been biased.

Ofcom recognised that many animal welfare charities had made public their support for the Government's proposals to ban e-collars in England. However, we also recognised that others had opposing views. This was evident from the Scottish Government's summary of the responses it received to its 2016 "Consultation on potential controls or prohibition of electronic training aids in Scotland". This states:

"...respondents were relatively evenly divided between those supportive of electronic training aids and those opposed to their use. Certain categories of respondent very clearly tended to one side of the argument or the other. In particular, animal care and

animal welfare respondents clearly tended to be opposed to the use of electronic training aids. Pet supplies respondents and owners of working dogs clearly tended to be supportive of their use. The largest single category of respondents – pet owners – were relatively evenly divided on the issue”.⁶

In addition, DEFRA's summary of the responses it received to its consultation about the banning of e-collars in England was published on 27 August 2018. This stated that 64% of the 7,334 responses it received answered 'No' when asked 'Do you think it should be an offence to attach an e-collar to a cat or dog, or cause an e-collar to be attached to a cat or dog?'.⁷

Taking these facts into account, we considered that there was clear evidence to show the existence of a range of views on the banning of e-collars. We considered, therefore, that it should have been possible for the Licensee to find an organisation, company or person who supported the use of e-collars and who could have provided an alternative viewpoint. Further, although the Licensee said that it could have sought the views of an e-collar manufacturer but that these would have been “biased, not independent”, we did not consider that this necessarily precluded the Licensee from presenting such a viewpoint in its efforts to maintain due impartiality in this case.

In any event, if a broadcaster cannot obtain an alternative viewpoint, then it must find other ways of ensuring due impartiality is maintained. Ofcom's published Guidance⁸ to Section Five of the Code makes clear there are a range of editorial techniques for doing so. These might include interviewers reflecting alternative viewpoints, or alternative viewpoints being summarised with due objectivity and in context.

We did not identify any statements that could be described as unsupportive or challenging of the Government's proposals to ban e-collars or other content which could reasonably be considered to have helped ensure any impartiality in this case. There was also no indication that the Licensee had attempted to provide appropriate balance on this subject across the *DTRT* series as a whole. In particular, the Licensee did not provide any evidence that it had presented alternative viewpoints on this subject in any other edition of the programme within an appropriate period.

For these reasons our Decision is that the programme gave a one-sided view and that Channel 5 breached Rule 5.5 by failing to preserve due impartiality on a matter relating to current public policy.

Rule 5.8

As set out above, the programme was concerned with “a matter of political controversy or current public policy” and therefore the rules in Section Five were applicable.

⁶ <https://consult.gov.scot/animal-welfare/electronic-training-aids/results/potential-controls-or-prohibition-of-electronic-training-aids-in-scotland-analysis.pdf>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736003/pets-ecollars-consult-sum-resp.pdf

⁸ See https://www.ofcom.org.uk/data/assets/pdf_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf, paragraph 1.37.

Rule 5.8 states:

"Any personal interest of a reporter or presenter, which could call into question the due impartiality of the programme, must be made clear to the audience".

The purpose of Rule 5.8 is to alert viewers to relationships that may be seen to undermine or call into question the due impartiality of the programme.

This programme included two explicit references to the Dogs Trust. These were at the end of the programme segment during an exchange between Mark Underwood and Eamonn:

Mark: *"The Dogs Trust tells us that they are appalled that it's still legal to buy and use electric shock collars in England. This type of device is not only painful for a dog, but it can have seriously negative impacts on their mental and physical wellbeing".*

Eamonn: *"If you agree with the Dogs Trust, lobby your MP. All the details are on the screen and on our website right now. We hope by telling this story that anyone who is using an electric shock dog collar or cat collar will think again and hopefully chose other ways of training their pets".*

Both Eamonn and Ruth are patrons of the Dogs Trust.

In its representations, Channel 5 said it was unaware that Eamonn and Ruth were patrons of the Dogs Trust. It also said that had it been aware of this, it would have made it clear to the audience. However, the Licensee did not consider this omission called into question the due impartiality of the programme as it argued that the references to the Dogs Trust were brief and the charity's stance on this issue had been widely reported in the press. In their own representations Eamonn and Ruth confirmed that they "had no input or influence whatsoever" into the policies or campaigns of the Dogs Trust.

Ofcom considered that in the absence of any clear statement, most viewers were likely to have been unaware of Eamonn's and Ruth's involvement with the Dogs Trust. Given the programme included references to the Dogs Trust, including one made by Eamonn himself, and that the strong support for a ban on the use of e-collars in the programme was intrinsically linked to the position of the Dogs Trust, we considered that the Licensee needed to make clear the association between the charity and the presenters.

We therefore considered that the failure to inform viewers that Eamonn and Ruth were patrons of the Dogs Trust further called into question the due impartiality of the programme.

Ofcom's guidance to Rule 5.8⁹ states:

"Ofcom would expect that, when dealing with matters covered by special impartiality requirements, broadcasters have put in place procedures so that reporters and presenters are at least aware of this rule and have an opportunity to make a declaration to the broadcaster. If the broadcaster could not reasonably have known of such an interest, then Ofcom would take that into account in the event of a case or complaint. It

⁹ https://www.ofcom.org.uk/data/assets/pdf_file/0018/24534/section5.pdf

is not expected that presenters or reporters should make known personal and private medical matters to the public”.

We acknowledged that the Licensee said it was unaware that Eamonn and Ruth were patrons of the Dogs Trust. However, we did not consider it unreasonable for the Licensee to have known of Eamonn's and Ruth's association given that this information is publicly available, including on Eamonn's official website¹⁰. Also, the Licensee did not inform Ofcom of any procedures it had in place either to make Eamonn and Ruth aware of this rule or to provide its presenters with an opportunity to declare their involvement with the Dogs Trust.

For these reasons our Decision is that Rule 5.8 was also breached.

Breaches of Rules 5.5 and 5.8

¹⁰ <https://www.officialemmonholmes.com/news/article/eamonn-and-ruth-become-patrons-of-dogs-trust>

In Breach

Haqaiq

Link FM, 3 May 2018, 18:00

Introduction

Link FM is a community radio station broadcasting in the Sheffield area. The licence for Link FM is held by the Pakistan Muslim Centre (Sheffield) Limited ("the PMC(S)L" or "the Licensee").

Haqaiq ("The Facts") is a weekly discussion programme. Ofcom received a complaint about the edition broadcast on 3 May 2018, which included discussion about the local government elections in Sheffield, while the polls were open.

The programme was broadcast in Urdu and English. Ofcom translated the Urdu segments of the programme. The Licensee was given an opportunity to comment on the accuracy of the translation and did not dispute it. We relied on this translation for the purposes of this investigation. The programme included the following exchange between a presenter and a studio guest, and a caller:

Presenter: *"First, let's talk about Sheffield today – you've been walking around, what's the atmosphere like?"*

Guest: *"It's very low turnout. I've been to a couple of polling stations. At this moment in time, they were looking at ten to 15 per cent. It might increase in the evening".*

Presenter: *"Oh, very low. Why?"*

Guest: *"I think people are fed up".*

Presenter: *"With politics?"*

Guest: *"With the type of politics, certainly. The type of politics that we've been hearing on the doorstep and out in the communities is that, I think, one of the big issues in Sheffield which has been covered in the media – around the trees – we won't really go into that but – that's really put a downer on people's feelings. People just aren't happy. You know, a third of the seats are up in the council today. So, what is it, twenty odd seats are up. One councillor from each area is up for re-election. It's looking... the Lib Dems and the Greens are trying to take seats away from Labour. I think there might be one or two UKIP seats that they're trying for, maybe Lib Dems are trying to go for them as well. It's hard to tell. There won't be those swinging wins where out of 24 or 26 seats and a party wins ten of those – after not being in power. It won't be like that, there'll be a couple of seats that swing one way or another. The main seats that we are concerned with as a community obviously is the Burngreave ward, the Firth Park ward, we've got Abtisam Mohamed in Firth Park for Labour who's standing for re-election, I think Mark Jones is standing for re-election, Zahira Naz in Darnall is up for re-*

election, in Nether Edge and Sharrow which is my ward, Alison Teale from the Greens is up for re-election. In Crookes, I don't know who the incumbent is, but Mr. Mahroof – who also does a programme here - is standing for the Liberal Democrats there. We've got Shafaq Mohammad in Ecclesall who is up for re-election. So, there are several seats from people from the ethnic minority communities who are standing, or areas which have a lot of ethnic minorities in them and which can decide one way or another where they are going to vote".

Presenter: *"What do you have to say about this election – where you can hardly tell an election is taking place outside?"*

Guest: *"You can't tell at all. There's a feeling of dissatisfaction. There isn't much fanfare, and it's all the Brexit effect. There was big fanfare around Brexit and now the communities have a feeling of despondency. [In English] I think there is voter fatigue".*

Presenter: *"Are people disillusioned?"*

Guest: *"They are disillusioned, yes".*

Presenter: *"Why? The other thing I've noted is around Bradford and Leeds, there are a lot of independent candidates in the running. Why is this?"*

Guest: *"This is because there are some senior people standing from Headingley and other areas where we have a large community. These people do not speak English as their first language. A problem we have in our community is that we don't plan for successions. We want to stay in power for as long as we can. Young people should be brought forward. I've spoken to some people and they aren't saying they want to go to other parties. They have left their own party and stood independently. The main party should think about why this is happening".*

Presenter: *"[Guest] was talking about turnout being very low. He says that people are disillusioned. What is it like over there?"*

Caller: *"I asked the Labour candidates over here about the situation. The weather is good in both Sheffield and in London. They seemed to suggest that turnout is good. Of course, with postal voting a lot of people have already cast their vote. So, this is another reason you don't see that many people out in force on election day, as many have already cast their vote. However, there are some people out. Labour candidates claim that turnout is good. It could be better, but with worse weather it might have been impacted further. Wherever there are elections - going back to what [Guest] and you were talking about – it's our responsibility to put forward our issues. We tend to discuss Pakistan-related issues, but as we live in the UK, we should discuss issues pertaining to here. In Sheffield and other places, if anyone says there*

aren't issues – nobody would believe that. In our community, there are good educated people. Every party has them. I'm in London talking to you, but if we look at Sheffield, we have young people who need their problems solved. Education and other problems. We represent our community like the organisations. We should not only talk about problems but find solutions. We should get everyone together in this – that's our responsibility".

We considered the material raised potential issues under the following rule of the Code:

Rule 6.4: "Discussion and analysis of election and referendum issues must finish when the poll opens..."

Ofcom therefore sought PMC(S)L's comments as to how the material complied with this rule.

Response

The Licensee offered its "sincere apologies" for the broadcast and acknowledged that "a breach had occurred". It added that the two presenters had acknowledged that they had "forgotten the rules regarding polling day shows". PMC(S)L also said that "no one from the management was aware that the alleged conversation had deviated" from the Code and that "by the time anyone from management had been notified, the show...was nearing to the end".

The Licensee said that the presenters were "asked to take a two-week break" and that it has "put in place measures to ensure...all Link FM presenters are made and informed to familiarise themselves with the Ofcom Code". It added that "Link FM will furthermore initiate a series of training session[s] to all over the next few months, using this issue as an example".

Decision

Reflecting our duties under the Communications Act 2003¹, Section Six of the Code requires that special impartiality requirements are observed, in particular during elections.

Under Rule 6.4, the discussion and analysis of election issues must finish when the polls are open. The purpose of this rule is to ensure that the broadcast coverage on the day of an election does not directly affect voter's decisions.

Ofcom has taken account of the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

The programme in this case included statements on the likely outcome of the local election taking place that day in Sheffield. In our view, these various statements constituted discussion and analysis of election issues and were broadcast whilst polls were open for the 2018 English local elections.

We took into account the Licensee's apology, and the steps it said it had taken as a result of the complaint. However, our Decision is that this was a clear breach of Rule 6.4.

Breach of Rule 6.4

¹ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

Resolved

Tour de France Highlights ITV4, 24 July 2018, 19:00

Introduction

Ofcom received five complaints about a competition that was broadcast at the end of *Tour de France Highlights* but had closed for text and online entries the previous day.

Towards the end of the programme, the presenter said:

"...We've got to bring you the competition before we go tonight".

A pre-recorded trailer for the competition was then shown and the voiceover said:

"Here's your chance to win a fantastic prize package worth over £23,000. First up we have £15,000 for you to spend on whatever you like. Plus, courtesy of the Rouleur Classic, you'll get a Cervélo R5 road bike, Sigma Sports clothing and CD shoes, and four tickets to this year's Rouleur Classic Show, where you'll get to see some of the best riders, cycling features and brands. For your chance to win all of that, including the £15,000, just text 'TOUR' to 80567. Texts cost two pounds plus your standard network rate message. Go to the website, where entries cost two pounds, or post your name and number to TDF 0218, PO Box 7558, Derby, DE1 0NQ. Entrants must be 18 or over. Entry by text and online closes at 5pm on Monday 23 July. Good luck".

During the trailer cycling footage was shown, together with the competition prizes, after which the following message was displayed:

*"WIN £15,000 & Cervélo R5 Bike plus clothing & 4 tickets to The Rouleur Classic Show
Text: TOUR to 80567
Visit: itv.com/comps
Post name and phone number to:
TDF 0218, PO Box 7558,
Derby, DE1 0NQ*

*Texts cost £2 + std rate msg. To refuse marketing texts end SMS with NO INFO. Online entry costs £2. For special offer entry costs, where applicable, see itv.com/comps. 18+. Prize draw opened on Monday 16th July. Text and online entries made after lines close at 5pm on Monday 23rd July will not count & may still be charged. Post closes at 5pm on Thursday 26th July.
The Rouleur Classic Show tickets are for 1st to 3rd November 2018. See T&Cs and Privacy Notice at itv.com"*

We considered that the broadcast competition raised issues under the following rule of the Code:

Rule 2.14: "Broadcasters must ensure that viewers...are not materially misled about any broadcast competition...".

We asked the Licensee for its comments about how the broadcast competition complied with this rule.

Response

ITV said that "The Tour De France 2018 was shown on ITV4 over three weeks from 7-29 July, with live coverage on each day of racing as well as an evening highlights programme... [which] ran for an hour on each race day starting at 7:00pm". It added that "The Tour de France broadcast competitions [were] organised on a weekly basis, with a competition entry [video tape ("VT")] created for each week's competition. ITV said "the competition VT [was] played out each day during the main live programme and in the highlights programme, according to a schedule agreed between ITV interactive and the programme producers...". It added that "the Week 2 competition ran during Week 2 of the coverage, and the relevant competition VT was broadcast on each day of that week (16-22 July inclusive)".

ITV continued that "on Tuesday 24 July (which was in Week 3 of the coverage) the highlights programme played out the competition VT for the Week 2 competition in error", adding that "the producers noticed this error as the programme was playing out on air, and the issue was immediately escalated to ITV's Broadcast, Interactive and Compliance teams. It said, "swift action was then taken to mask the competition for the ITV4+1 playout an hour later, and to edit the programme so that the Week 2 competition VT was not included in the repeat broadcast of the programme the next day, or for viewing on the ITV Hub VOD service and other catch up services".

ITV said that "all [its] competition VTs are viewed and cleared well in advance [of broadcast] by the ITV Compliance team, and a number of compliance processes were already in place to minimise the risk of the wrong competition VT being broadcast". These included "the clear labelling of the competitions as Week 1, Week 2 and Week 3" and "removing the competition VT from the gallery system used for the live coverage programmes at the end of the week in question". It added that, in this instance, "investigation by ITV...revealed that the closed competition VTs were not deleted from the highlights programme edit system, which [used] separate edit suites to the live programme" and that "each day's Tour de France racing concluded at around 5:00pm, leaving a relatively short amount of time to prepare the edited highlights programme, using several different edit suites working simultaneously on different sections of the programme".

ITV said, "the editing for the highlights programme of [the Tour de France] Stage 16 on Tuesday 24 July used some elements from the previous stage...and due to human error included the competition VT for Week 2 instead of the competition for Week 3". It added that "the editor watched only the first and last seconds of the VT when completing the edit but did not review the entire editorial content of the competition VT, to check that it was the correct Week 3 competition".

To avoid recurrence, ITV said that, together with the programme's producers, it had "improved these editing processes, to ensure that once a competition [had] closed to paid routes of entry, the VT [was] removed from the producers' edit system used for the daily highlights programmes, as well as from the system in the live gallery, and that the competition VT was reviewed in full to check it was the correct competition for that week".

ITV considered that "the consequences of the error for viewers seeking to enter after the broadcast of the competition VT on 24 July, despite its SMS and online routes of entry having

closed, were limited", noting that it had had "no impact on the competition itself and on those who had submitted valid entries". ITV added that "entries to the competition via premium rate SMS and online had closed at 5pm on Monday 23 July" and "entry by post was still open and closed at 5:00pm on Thursday 26 July".

ITV said that "the competition VT broadcast in error on 24 July [had] clearly stated in voiceover and graphic the 23 July deadlines for entry by text and online" and that "anyone seeking to enter online after the broadcast of the VT would have simply been unable to do so and would not have incurred any cost". It added that "anyone who sought to enter via post following the broadcast of the VT would have still been able to do so, and their entries would have been valid if they were received before the close of the postal entry route".

ITV detailed the valid entries it had received by each entry route, adding that "3,433 attempted entries to the competition [had been made] via SMS text following the broadcast of the VT on 24 July", none of which were entered into the competition. It added that, although none of those attempting to enter were charged the £2 cost of entry, they "would have received a 'Sorry, this competition is now closed' SMS message", for which they would have been charged between 10 and 15 pence.

ITV said it had implemented a refund process for these viewers and had been able to refund 1,424 entrants directly through their mobile accounts. It added that it had sent all the remaining attempted entrants the following message by SMS:

"On 24th July you tried to enter a closed Tour De France comp. Due to a technical fault you have incorrectly been charged 10-15p. We apologise for any confusion this may have caused. If you'd like a refund by cheque, please visit itv.com/refund. Please submit your request by 30/10/2018. Customer Care [phone number]"

ITV said it had also "announced this error and the availability of a refund on its website, with the following message:

"During the *Tour De France* programme that aired on ITV on Tuesday 24th July, the paid lines for the competition broadcast in the show were closed and this competition should not have been included. We apologise for any confusion or inconvenience this may have caused.

The paid lines were closed but if you texted in you may have been charged a standard network rate message of 10-15p. If you were affected and want to claim a refund then please enter the details requested in the form below.

All refunds will be sent via cheque - please ensure that the name you give on the form is the one you would like the cheque made out to and that the address provided is where you would like the cheque to be sent to. Please submit your request by 30/10/2018.

Customer Care [phone number]"

ITV confirmed that, to date, 117 entrants had requested refunds, adding that it intended to process further refunds by cheque until 30 October 2018, after which the message would be removed from its website and unclaimed refunds would be donated to charity.

ITV reiterated that it had apologised to viewers for the error and said it regretted that this error had led to some viewers seeking to enter the competition by SMS when that route of entry had already closed. Nevertheless, ITV considered that “when the wrong competition VT was broadcast it would have been clear to most viewers that this was an error, due to the fact that the deadline for SMS and online entries was stated verbally and graphically in the VT, and this deadline had self-evidently already passed”. ITV also considered that “the messages sent to viewers who tried to enter, and the actions taken by ITV and the producers following the error, mitigated the limited financial impact of this error as far as possible on those viewers who had tried to enter via SMS after that route of entry had closed”.

ITV said it “accept[ed] that a relatively small number of entrants, who failed to notice the clearly stated closing deadline for the routes of entry in the competition VT, were encouraged by the broadcast to seek to enter via SMS, and were not entered, as this route had closed,” but noted that Rule 2.14 “serves to prevent competitions from misleading audiences in such a way as to cause material harm, such as financial loss.

ITV summarised that:

- the information provided in the competition VT had stated clearly the closing times of the competition for each entry method;
- the financial loss resulting from viewers seeking to enter by SMS after that entry route had closed was limited to the standard network rate message charge of between 10 and 15 pence; and
- it had immediately:
 - a. implemented a comprehensive refund procedure; and
 - b. taken steps to improve the editorial processes that [had] allowed the human error to occur to avoid recurrence.

ITV concluded by saying that it broadcasts “more than 130 different viewer competitions and prize draws in programmes across its family of channels each year” and “is rightly proud of its rigorous processes and standards of care that ensure [both] that these are conducted fairly, and its generally good compliance record in this regard”. ITV considered “this [instance] was an unusual and unfortunate error by the production team, but the error had a limited impact on a relatively small number of viewers, and with limited financial consequences, which [it had] sought to mitigate as far as possible”.

Decision

Reflecting our duties under the Communications Act 2003¹, Section Two of the Code requires that generally accepted standards are applied to the content of television services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

This is reflected in Rule 2.14, which requires that viewers are not materially misled about any broadcast competition.

¹ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

It is Ofcom's view that, when a broadcast competition is conducted on-air, members of the audience generally are likely to assume that entry is open at the time of the broadcast. In this instance, entry routes included SMS, charged at a premium rate of £2, and online, charged at £2, to be paid at the time of entry (i.e. *"For your chance to win...including the £15,000, just text 'TOUR' to 80567. Texts cost two pounds plus your standard network rate message. Go the website, where entries cost two pounds..."*).

Ofcom accepted that at the time of the broadcast, the competition remained open to postal entries. We also accepted that the competition voiceover, which said that *"entry by text and online closes at 5pm on Monday 23 July"*, and the screened information, which stated that *"text and online entries made after lines close at 5pm on Monday 23rd July will not count & may still be charged"*, made clear that the text and online entry routes were no longer open. However, these messages directly contradicted the invitation to enter, which is the principal purpose of conducting a competition.

As a result, some viewers were likely to have tried to enter online but would have been unable to do so and a further 3,433 text entries were received. Although these attempted entries were not each charged at a premium rate of £2.00, standard rate text charges of between 10 and 15 pence were incurred.

However, in reaching its Decision, Ofcom also took into account that:

- ITV had not intended to conduct the competition on 24 July 2018;
- all legitimate entries and the result of the competition had been unaffected by the broadcast;
- any attempt to enter online in response to the broadcast did not result in financial loss;
- attempted entries by text in response to the broadcast had not been charged at a premium rate of £2.00 per entry;
- ITV had immediately taken action to attempt to refund the standard text rate charges for those who entered by SMS following the broadcast; and
- it had immediately put procedures in place to avoid recurrence of the error.

Taking into account the specific circumstances of this case, Ofcom considered the matter resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Broadcast licensees' late and non-payment of licence fees *Various licensees*

Introduction

Ofcom is partly funded by the broadcast licence fees it charges television and radio licensees. Ofcom has a statutory obligation 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.¹ Detail on the fees and charges payable by licensees is set out in Ofcom's Tariff Tables.²

The payment of a licence fee and payment made on time is a requirement of a broadcasting licence.³

- 1) "The Licensee shall pay to Ofcom such fees as Ofcom may determine in accordance with the tariff fixed by it and for the time being in force under Section 87 (3) of the 1990 Act as Ofcom shall from time to time publish in such manner as it considers appropriate.
- 2) Payment of the fees referred to...above shall be made in such manner and at such times as Ofcom shall specify..."

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 – late payment

The following licensee failed to pay its annual licence fee by the required payment date. This licensee has therefore breached Condition 3(2) of their licence.

Licensee	Service Name	Licence Number
Lindum Radio Broadcasting Company CIC	Lincoln City Radio	CR000166BA

The outstanding payment has now been received by Ofcom. Ofcom will not be taking any further regulatory action in this case.

¹ http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf

² https://www.ofcom.org.uk/_data/assets/pdf_file/0019/112465/Tariff-Tables-2018_19.pdf

³ As set out in Licence Condition 3 for radio licensees and Licence Condition 4 for television licensees.

Broadcast Fairness and Privacy cases

Upheld in Part

Complaint by Herefordshire County Council

Good Morning Britain, ITV, 22 and 23 January 2018

Summary

Ofcom has upheld in part this complaint of unjust or unfair treatment in the programmes as broadcast made by Herefordshire County Council ("the Council").

The programmes included a story about Mr Bob Curry, a homeless SAS veteran, who had had a petition set up in his name calling on the council to provide him with social housing. During the programme broadcast on 22 January 2018, the presenter, Mr Piers Morgan, refused to read out the Council's response to the claims.

Ofcom found that:

- In the programme broadcast on 22 January 2018, the presenter's refusal to read out the Council's statement in response resulted in the Council's position not being reflected. This, we considered, was unfair to the Council.
- However, we considered that the Council's further response was fairly reflected in the programme as broadcast on 23 January 2018 and the fact that the Council's previous statements were not read out did not result in unfairness to the Council.

Programme summary

On 22 and 23 January 2018, ITV broadcast two editions of its weekday news and magazine programme *Good Morning Britain*, presented by Mr Morgan and Ms Susanna Reid. There were a further two episodes broadcast on 2 and 5 February 2018 which followed Mr Curry's story.

22 January 2018

Ms Reid introduced the "coming up" next story about Mr Curry:

"He is the SAS veteran who stormed the Iranian Embassy back in 1980 and freed 19 hostages, but Bob Curry is now homeless. Hundreds of thousands of people have signed a petition to get him a council flat. It's an outrage he hasn't got one, you can find out how you can help this hero, next".

Mr Morgan then said:

"Because he was really a great hero and he needs to be treated better. Ironically, one of the terrorists in that Iranian Embassy siege is living in a British council home, he was taken care of. So, we take care of our terrorists, but we don't take care of the heroes who try to stop them? Isn't that incredible?...".

Later in the programme, Ms Reid said:

"It was the siege which transfixed the world when terrorists took 26 people hostage in London's Iranian Embassy back in 1980. Millions watched the raid live on television, catching their first glimpse of special forces soldiers in action".

Mr Morgan introduced Mr Curry and explained that he *"now faces life on the street"* and that he had been *"on a housing list since last November with no idea of when he'll have a permanent roof over his head"*.

A pre-recorded report was shown in which the reporter explained Mr Curry's role in the Iranian Embassy siege and that after he had left the army, he had set up a business where he trained former servicemen as locksmiths. It also explained that he had *"fell on hard times"* and had ended up homeless. The reporter concluded the report stating that Mr Curry had *"applied for a council house, but has now found himself going between his daughter's sofa and a B&B paid for by the British Legion. Hundreds of thousands have now signed a petition calling on Herefordshire Council to find him a home, but for now, Bob's wait continues"*.

The presenters were then joined in the studio by Mr Curry and Mr Rusty Firmin, another former SAS soldier who was involved in the Iranian Embassy siege, and they spoke briefly about the siege. Mr Morgan repeated the claim that one of the *"terrorists"* involved in the siege now had a British council house, but that Mr Curry, *"one of the SAS sent in to try and save people from these guys, you don't have one"*. Ms Reid said that he was *"homeless"*, and that: *"I know that at one stage even you were in a hostel where you had to ask permission to use the toilet...this is not the way anybody thinks our heroes should be treated"*. The presenters and Mr Curry then spoke about the reason Mr Curry had ended up homeless, which included the collapse of his business, the breakdown of his relationship, and money troubles. Mr Curry also told the presenters that he had to sell his medals. Mr Curry then spoke about the number of veterans who end up homeless or were in prison.

Mr Morgan asked Mr Firmin about Mr Curry and he provided his view of him as a person. Mr Morgan then spoke about the fact Mr Curry had never been honoured by for example, being given an MBE, and then said to Mr Firmin *"rendered homeless, a man having to sell his own medals right, just to survive. What is going wrong with the way we treat people like you guys, but particularly, Bob in this case?"* Mr Firmin responded to say that there was no system to follow when you leave the army. Mr Morgan then asked Mr Firmin how he felt when he found out Mr Curry was homeless, and Mr Firmin said that he was *"shocked"*.

The following conversation between Mr Morgan and Mr Curry then took place:

Mr Morgan: *"There was a big petition in The Sun, signed by a lot of people. They've been very good, I think on this. For you Bob, have you had anymore contact from the council? Have they made it clear to you they're going to help you?"*

Mr Curry: *We've had a constant battle with the council, myself, British Legion, Shelter and SSAFA¹ and we really have. And, it wasn't until the ex-mayor of Hereford, Jim Kenyon, stepped in, who's now a councillor, and started asking questions, and then obviously the campaign that's happened since, that anything is happening. But to this day, I still haven't got anywhere to live.*

¹ An armed forces charity.

Ms Reid: *Isn't this ironic, you fought for your country and now you are in a battle with your local council...where the regiment is based, in order to just have a home? You sought help from the Regimental Association...you now have B&B accommodation...but it's for a very short period of time?*

Mr Curry: *It's paid for by the Regimental Association, otherwise I would be sleeping in my car or on a park bench.*

Mr Morgan: *It's absolutely disgusting, it's disgusting...When you heard, for example Bob, that Fowiz Nejad, who's one of the terrorists, is living in a council house in this country and being taken care of, what did that make you feel like?*

Mr Curry: *Well, as far as I'm concerned, they murdered people in this country, he should still be in prison, he shouldn't be out on the streets.*

Mr Morgan: *And, there's the man who was trying to stop them murdering people, they did murder some people, you were trying to stop them, and our response to you as a country is to leave you homeless.*

Mr Curry: *Absolutely.*

Mr Morgan: *And to never give either of you any honour. I think it's absolutely disgusting, I'm sure the viewers think it's disgusting. There's a statement from the council, I was going to read it, but you know what? I can't be bothered. Here's the reality Herefordshire Council, you can come up with all the statements you like, this guy is a national hero, they both are, he's homeless because you have not seen fit to take care of him, so rather than issuing stupid little statements to us, why don't you do your jobs and give this guy a proper council house right now? I.e. today. And show that this country values what he did, and what Rusty Firmin did, that day. That day alone should justify them being taken care of for the rest of their lives. Not selling their medals and living on park benches. It is reprehensible, so stick your statements and get action and get him to a council home today.*

Bob, I'm really sorry we've had to meet under these circumstances. You guys, you know, you are my heroes, you know the SAS to me are the greatest elite force in the world. You just risk your lives time and time again for us. It is repulsive what has happened to you, and I hope that we can now get you the action. And, I'm hoping next time we get you back on the sofa, and I'm hoping it's going to be very quick. ...And we interview you in a good council home...".

Mr Morgan then called on the government to give SAS veterans recognition for their actions.

After an advertising break, Mr Morgan said that there had been "lots of reaction, as you'd imagine, to the story about that SAS hero" and that they would "keep going until it gets sorted". There was no further reference to the Council, or Mr Curry, in this edition of the programme.

23 January 2018

The presenters gave an update on Mr Curry's situation.

Mr Morgan said:

"Do you know what else hasn't happened today? Our SAS hero, Bob, we had on yesterday, that got everyone going, homeless, not heard a word from Herefordshire Council. This is in Hereford, where the SAS are based, this is one of their own, one of their heroes. He hasn't heard a word all day yesterday, we have tried to go to the council, there it is, we're going to keep on their case".

Ms Reid then said:

"Yesterday, our reporter Nick Dixon went into the Council to try and find out why Bob hasn't been offered suitable housing. Here's the response he got".

A pre-recorded report was then shown in the programme which had been filmed inside the Council offices.

The reporter said to a receptionist: *"I'm from Good Morning Britain at ITV, would it be possible to talk to Alistair Neill, the Chief Executive?"* The receptionist said that she thought he was in a meeting and the reporter asked if she could check. The receptionist was shown on the telephone and told the reporter *"they're getting somebody down for you"*. The following conversation then took place between the reporter and a member of the Council's communications team:

Reporter: *"I've been trying -*

Official: *I don't want you filming me, sorry.*

Reporter: *Ok, fine, no problem. I'm just filming the floor at the moment. As I said, I'm from Good Morning Britain, we've been trying all day to try and -*

Official: *I spoke to your colleague Sarah Culpin.*

Reporter: *Understood.*

Official: *I spoke to Sarah twice now and I've emailed her.*

Reporter: *So, there's no possibility that the Chief Executive will come and talk to me?*

Official: *No.*

Reporter: *Just about the situation with Bob Curry?*

Official: *No, we don't comment on individual cases.*

Reporter: *Ok, what about a more general comment about veterans and your policy towards them and giving them housing?*

Official: *Um, all our stuff is online, there's information on our website about how we support the Armed Forces Covenant. So, it's all online.*

Reporter: *Do you foresee any time when the Chief Executive will actually give any comment?*

Official: *We won't be commenting on individual cases, no.*

Reporter: *You won't be talking about it at all?*

Official: *Not on individual cases, we don't comment".*

During this pre-recorded report, a caption said: *"The latest: SAS homeless hero. Bob is currently homeless and in housing talks with Hereford Council".*

Mr Morgan then said:

"So, there we have it. So, they don't want to know, they don't want to help, they don't want to do anything. They tweeted me yesterday, a load of pompous nonsense. The leader of the council in Herefordshire is Tony Johnson, I'd like to hear from him today. We're going to make his life a little bit difficult today. And, the Chief Executive is Alistair Neill, of the Council, we're going to keep on his case too. We're going to keep on you people, you can't just pretend it's not happening. You can't just be in the middle of Hereford where the SAS is based and leave an SAS hero, that did the raid on the Iranian Embassy which saved so many lives, and just leave him homeless. That's not going to happen".

A caption said: *"Hereford Council hasn't contacted veteran since GMB appearance".*

As footage of the outside of the Council building was shown, Mr Morgan said:

"So, there is Hereford Council, a buzz of activity this morning, as you can see, racing to try and help this man, but we're going to help him and we're going to keep on their case and we don't care how long this takes. We're here for the long-term Herefordshire Council, until you give this man a home. You want to call in Alistair Neill, Chief Executive of Herefordshire Council, please call in or go to our cameras... Tony Johnson, Leader of Herefordshire Council, if you'd like to go on camera or call in, happily talk to you. I'm sure there's a very rational explanation why you've left an SAS hero homeless, there has to be right? I can't think of one, literally can't think of one, but there must be one. And, there must be a reason why you don't want to go on camera and don't want to tell us why. So, there must be some dark secret that we don't know anything about so, why don't you enlighten the world and, we'll keep coming back to you throughout the programme and just see how you're getting on. See if you've woken up yet in your nice comfortable homes, maybe had a nice breakfast, nice fry-up perhaps, read the papers, watched a bit of tv, few cups of tea. While Bob, the homeless SAS hero, hasn't even got anywhere to have a shower, or go to the loo, probably can't even afford breakfast. There he is, that's him, [archive photograph of Mr Curry at the Iranian Embassy was shown] 'Backdoor Bob' he was called, because he stormed the back door of the Embassy, risking his life to save dozens of lives and nothing, nothing from his country, not a home, not an honour, not a dicky-bird".

Ms Reid then said that they would speak with Mr Curry later in the programme, and said:
"Let's hope we've got some good news for him by then".

Later in the programme, the presenters were joined by the then UKIP leader, Mr Henry Bolton. Prior to speaking with him, Mr Morgan said that he had been on the Council's website which said it was looking for *"Herefordshire's unsung heroes"* and that if you nominated someone, you could win £500. Mr Morgan explained that he would like to nominate Mr Curry because *"he lives in Herefordshire and he's homeless because you haven't got him a home"*. He added that he would like to claim his reward and put it towards a council house *"that I'm sure you're going to just get him today"*. Mr Morgan then said that he would like viewers' opinions on the matter. Ms Reid asked for Mr Bolton's opinion and he said it was *"outrageous"* and that something needed to be done about the number of homeless veterans.

Later in the programme, Ms Reid said:

"Still ahead on Good Morning Britain, an overwhelming response to the story of homeless SAS veteran, Bob Curry, who risked his life to free the hostages in the Iranian Embassy siege. The council cannot find him anywhere to live, they won't answer our questions. We will bring you the latest on Bob's fight to get a flat, next".

Later in the programme, Mr Morgan said:

"Well, now back to a story we covered yesterday which really resonated with viewers. It's a story of former SAS hero Bob Curry, who is currently homeless because his local council in Herefordshire has failed to find him a home".

Mr Morgan also said:

"Well, since we ran the story, Good Morning Britain viewers have offered to help him pay a deposit for a new home, others have offered him spare rooms, we've had hotels and so on, but nothing from the council responsible, Hereford Council. Nick Dixon is outside the headquarters there with Bob this morning. Nick, quite extraordinary that despite that incredibly powerful interview we carried yesterday, Herefordshire Council have made no attempt to contact Bob Curry at all?"

The following conversation between the reporter and Mr Curry then took place:

Reporter: *"Yeah, unfortunately so. It's been a particularly frustrating last 24 hours or so, Piers. Bob's actually here with me now, so we can get a bit of an update from him. Bob, morning to you, is there anything you can tell us? Any good news you've been receiving?"*

Mr Curry: *I've had no direct link from the Council, in writing or by telephone, telling me what the situation is at the moment.*

Reporter: *So, you're no further forward at all?*

Mr Curry: *I'm no further forward...*

Reporter: *And they know where you are, you're just –*

Mr Curry: *I'm just over the road. They've got my numbers, they could phone me and tell me what's going on, but they haven't.*

Reporter: *Ok, well, I mean just to further Bob's frustrations, I tried to go in to the Council's headquarters yesterday, just behind here, during office hours, just to see if I could get any kind of news, any kind of update on Bob's situation, here's what happened".*

The pre-recorded report which was included earlier in the programme of the reporter inside the Council's offices was shown.

The reporter commented:

"So, very frustrating trying to get answers from the Council or indeed speak to the Chief Executive. I went around to his house last night, lovely Grade II listed building out in the countryside. In the meantime, Bob here, is struggling to get himself out of a B&B and find himself some kind of home. You've watched the VT, you saw I was in there yesterday, what's your reaction?"

The following conversation between Mr Curry and the reporter then took place:

Mr Curry: *"It's typical Herefordshire Council, that's how they treat everybody. They just blank you and they won't talk to you.*

Reporter: *I know you've been really touched though by the reaction from the public, haven't you?*

Mr Curry: *Absolutely, it's been overwhelming, it's been worldwide.*

Reporter: *And, you've seen the petition obviously?*

Mr Curry: *Brilliant, well over 300,000 now and rising. Andy McNab's done a wonderful job with that, he really has.*

Reporter: *Ok, Bob, well we'll just keep our fingers crossed. I mean it's wonderful that there's so much support for Bob, but, unfortunately, no movement in finding this man a home".*

Mr Morgan then commented:

"...No surprise there about what we're hearing from Herefordshire Council. The good news though, for Bob, is we're going to carry on this campaign, until he gets re-housed. We don't really care how long it takes or how unpleasant it has to get. So, Herefordshire Council, Alistair Neill, Chief Executive, where are you? Tony Johnson, he's the leader of the council, where are you? Where are you people? You run the council in the home of the SAS, the Special Air Service, the finest elite fighting force in the world, the pride of Britain, and you're letting that guy, 'Backdoor Bob', who went in the back entrance of the Iranian Embassy to save so many people that day. He's never had an honour from his country, not even an MBE, he doesn't want that, he wants a home, he wants a roof over his head, come out and face the music".

The presenters were then joined in the studio by comedian and Chief Executive of the charity Care After Combat, Mr Jim Davidson, and on the telephone, Mr Andy McNab, an SAS veteran who had launched the online petition to get Mr Curry a council home. Mr Morgan repeated the claim that a “terrorist” was being housed in a British council home while Mr Curry was homeless, and Mr McNab said it was “outrageous” and that over 310,000 people had signed the petition and that the overwhelming response from those who had signed the online petition from overseas was “*this would never happen in our country*”.

Ms Reid asked Mr Davidson whether he had contacted the Council and he said that he had not. Ms Reid then commented:

“It may be that Herefordshire Council don’t want to talk to us, it may be that they don’t want to talk specifically about a case to us, but why aren’t they talking to the man who needs the home?”

In response, Mr Davidson said that Mr Curry did not want a “hand-out”, but a “hand-up” and that many veterans struggled with the transition back into civilian life. Mr Davidson said that the government needed to focus on what causes homelessness.

Mr Morgan then asked Mr McNab about the type of person Mr Curry was. Mr McNab said that when people signed up to the military, they did so in the knowledge that “*they may be giving their lives for their country*” and:

“What is really sort of annoying me at the moment, is that you’ve got Herefordshire Council, and all they’ve got to do is sign a few forms as a payback for somebody who’s put their life on the line. You know, they’ve been having a lot of meetings, I’m sure, over a few cappuccinos here...let’s just sit down, get the forms signed and give Bob a home. It’s their time for payback, they’ve had over 50 years of jumping up and down and sort of having bragging rights about being associated with the Special Air Service, well let’s show some of that commitment from the Council...and give Bob a home”.

Mr Davidson said that all councils “*need to step up to the mark*”.

Mr Morgan said, in relation to the Council: “*we’re going to keep this going, day in, day out, until you sort out this hero. It’s not difficult. It’s one of you little pen pushers doing your job, so do your job*”.

There was no further reference to the Council in the programme.

Summary of the complaint and broadcaster’s response

The complaint

The Council complained that it was treated unjustly or unfairly in the programmes because although the Council was provided with an opportunity to respond to the claims made, its views were not represented in the programmes.

The Council said that in the programme broadcast on 22 January 2018, the presenter refused to read out its statement. The Council also said that it provided further statements to the programme makers, none of which were included in the subsequent programme broadcast on 23 January 2018.

The Council said that, as a consequence, the programmes represented the facts of Mr Bob Curry's case incorrectly, failed to make clear to viewers the "limits of the Council's capability", provided a negative view of the Council, and did "not allow for proper consideration of the facts", all of which resulted in the story being one-sided. In particular, the Council said that the programmes:

- unfairly called on the Council to supply Mr Curry with social housing when, in fact, the Council does not hold any council house stock. The programmes did not state that decisions about social housing were made by housing associations and not the Council. The Council said that housing associations operated as entirely separate organisations outside the Council and that the Council had no decision-making role with regards to the allocation of social housing within those organisations.
- unfairly claimed that Mr Curry was homeless because the Council could not find him a home. The Council said that the application could not be progressed "due to the lack of supporting paperwork". Further, the programmes did not state that Mr Curry had been offered two properties but had deemed them both to be unsuitable for his needs.

The Council said that the presentation of the story in the programmes had incited aggression from members of the public and had led to abusive and unfair treatment of staff.

Broadcaster's response

Background prior to broadcast

ITV said that Mr Curry's story had been repeatedly featured in many newspapers in the previous week between 17 and 19 January 2018 and that there had been comment and criticism about the claim that Mr Curry was homeless, despite being an "SAS hero". ITV said that it was suggested that the Council had "failed to house him" when he applied to them in November, and that he was now temporarily in bed and breakfast accommodation only due to the assistance of military charities.

ITV said that on 18 and 19 January, various media outlets reported on an online petition launched by Mr McNab. The petition directly called on the Council to find suitable permanent accommodation for Mr Curry. It said that more than 541,000 people supported the petition. The petition also stated that Mr Curry "was not getting the help he needs from the authorities".

ITV said that The Sun and other newspapers also contrasted Mr Curry's position with that of a convicted Iranian terrorist who had survived the Embassy siege, and it was alleged that, after having served 28 years in prison, he was now living in council accommodation on benefits. It was also reported that Mr Curry had previously slept on a sofa at his daughter's home and had been offered only two entirely unsuitable types of temporary accommodation. It was also reported that he had endured two nights in a "shoe box" room in a hostel with drug addicts and former criminals, and had also been offered unsuitable temporary accommodation in an old person's home.

ITV said that on 21 January, The Sun newspaper further reported that the Defence Secretary had written to the Council in support of Mr Curry, and had allegedly "ordered council chiefs to meet their commitments under the military covenant by finding Bob somewhere to live".

ITV said that the context in which *Good Morning Britain* ("GMB") began its coverage of the issue on 22 January onwards was widespread prior to the media reporting of Mr Curry's case, "in terms that the Council had failed to provide him with adequate assistance to date, and that this failure to respond to a former military hero in need reflected a wider failure by society to honour and support its former military personnel".

ITV said that GMB's coverage of this story was not limited to the two broadcasts that the Council complained about. ITV provided details of the full extent of the programme's coverage of Mr Curry's story over four days (22 and 23 January, and 2 and 5 February). It said that the complained about programmes should therefore be considered in the context of the totality of GMB's coverage as the story developed over time.

Specific response to complaint

ITV said that the Council was given multiple opportunities by GMB to respond, and that it failed to respond to the specific claims (until after the two programmes complained of) which informed the manner in which the programmes broadcast on 22 and 23 January dealt with the story. ITV said that the presenter's refusal to read out the Council's statement should be considered in the context of the Council statement provided, set against the story itself, which had been put to the Council for comment.

The broadcaster said that, prior to 22 January, the Council had issued only a short and limited public statement of its position on its website on 17 January, which said:

"Herefordshire Council can confirm that it is actively working with this individual to secure accommodation within the county.

Unfortunately to date the individual has not provided all the documentation needed to legally register for housing. However, regardless of this the council's housing team has found and offered two different forms of accommodation, in areas which were agreeable to the individual, but which have subsequently been turned down.

We are continuing to work with the individual concerned to help them secure appropriate housing".

ITV said that the Council, in its statement, did not make clear that these two forms of accommodation were temporary, nor did it seek to deny Mr Curry's position, i.e. that they were both unsuitable. Rather, it simply asserted that "the areas" were "agreeable" to him, but that he had turned them down. It said that the statement ignored why the accommodation had been "turned down", and appeared to infer some criticism of Mr Curry, while misrepresenting, by omission, the true position.

The broadcaster said that GMB contacted the Council's press office on Friday 19 January by telephone, and several times over the weekend, putting them on notice that the programme intended to interview Mr Curry on Monday 22 January. The Council was informed that the programme would reflect the criticisms of the Council that had already featured in the press reporting of the story to date. It said that the Council's communications team responded by email at 18:11 on Sunday 21 January, which said:

"...The original statement is also available on our newsroom, but it sounds like you already have a copy of that one.

Herefordshire Council ensures that no member of the Armed Forces community faces disadvantage in the provision of public and commercial services compared to any other citizen.

As part of the council's commitment to the Armed Forces Covenant, ex-members of the Armed Forces receive additional assistance to aid their position on the social housing waiting list, which should speed up an offer of securing appropriate housing.

We work to find suitable accommodation for any applicant that required it and recommend that any individual requiring support of this nature, provides all the necessary details requested, so we can process and provide support in a timely manner...".

ITV said that while this was a general statement concerning the Council's attitude to former members of the Armed Forces, it made no specific reference to Mr Curry and his position, or to the Council's response to it, as had been requested. Although it alluded to Mr Curry in the phrase "any individuals" needing to provide "all necessary details" in order for them to provide support. ITV said that this appeared to be a "thinly veiled" criticism of Mr Curry for allegedly failing to provide documentation.

ITV said that the Council's statement was provided to the presenters on the morning of Monday 22 January, as part of their briefing for the interview, for inclusion in the story. It said that Mr Morgan's decision not to read out the Council's statement was an "entirely unscripted and spontaneous gesture" and had to be considered within the broader context of the interview with Mr Curry, in which Mr Morgan felt that the Council had not answered the specific criticisms made of their response to Mr Curry's situation. Further, it said that after the programme, having noted Mr Morgan's dismissal of the Council's statement, the producers ensured that it was included in an article about the programme which reflected the interview with Mr Curry and Mr Firman that morning².

ITV said that on the afternoon of Monday 22 January, GMB emailed the Chief Executive of the Council and copied in the Council's communications team, stating that GMB would "very much like to give the Council the opportunity to respond to this story", and asked whether it planned to review its approach to veterans in light of Mr Curry's case. It added that GMB offered the Council the opportunity to take part directly in the programme the following day, either by way of a live interview, or by a pre-recorded interview to be conducted that afternoon or evening. It said that the Council responded within 30 minutes and referred GMB to the previous statement it had provided. ITV repeated its assertion that the statement did not address the particular issues that had been raised in its coverage of the story in relation to Mr Curry. It said that GMB therefore followed up with two further emails to the Chief Executive of the Council, copied to the communications team, asking for his thoughts on why the Council had not yet managed to find Mr Curry a home, and stating that GMB had a correspondent in Hereford who would be able to pre-record a brief interview that afternoon or early evening. It said that neither email received any reply.

² <http://www.itv.com/goodmorningbritain/news/bob-curry-the-sas-hero-left-homeless-after-he-had-to-sell-his-medals-rusty-firmin-piers-morgan>

ITV said that the GMB correspondent also went to the Council's offices that afternoon to speak to the Chief Executive of the Council directly, and was rebuffed by a member of the communications team, who told him that "we don't comment on individual cases". ITV said that this was inaccurate, given there had already been a published public statement by the Council which did specifically refer to "this individual", i.e. Mr Curry, albeit it did not name him nor address the core criticism of the Council throughout the press coverage. It added that GMB sought to speak to the communications team again following this discussion at the Council's offices, and referred them to the further emails sent to the Chief Executive. It said that the communications team repeated that there was to be "no comment" and referred again to the original statement it had provided.

ITV said that on 23 January, GMB returned to the story and reported that Mr Curry had heard nothing further from the Council since GMB's interview with him. It added that the programme included footage of GMB's correspondent's visit to the Council's office to represent directly to viewers the response of the Council to GMB's request for an interview with the Chief Executive. It said that, as was clear from the footage included in the programme, the communications team representative repeatedly said that the Council would not comment on individual cases. ITV repeated its assertion that this was inconsistent with the statements that had already been published by the Council. It also said that Mr Morgan referred in the programme to the fact that the Council had tweeted him and described it as "*pompous nonsense*", which ITV said viewers would have understood as an expression of his personal opinion.

ITV said that it did not consider that the failure to read out the published statements of the Council in the first two days of coverage meant that the programme treated the Council unfairly, given its broadcast coverage of the story across the four days (see below).

The broadcaster also said that the Council did not inform GMB prior to the broadcast of the programmes that the Council did not hold any council housing stock and that decisions about social housing were made by housing associations and not the Council. It said that had the Council notified GMB prior to the broadcast of the programmes, then GMB could and would have reflected that position. ITV said that informing the programme of this would have enabled it to consider including these points in the studio interview with Mr Curry, and the broadcasts on 22 and 23 January might have adopted a different tone.

ITV said that the suggestion in the complaint that the programme should have discovered these facts and represented them as a matter of fairness, in the absence of any mention of them by the Council prior to the broadcast of the complained about programmes was "misplaced and self-serving". It said that the Council had the opportunity to provide GMB with what it considered to be relevant information on Mr Curry's case, and did not do so. In any case, it said that it did not appear to be contested that the Council remained responsible for addressing the problem of homelessness in the county, and helping homeless people who were former military personnel, including Mr Curry, to seek housing, even though they did not themselves hold council housing stock.

ITV said that the programme made clear during its interview with Mr Curry on 22 January that Mr Curry had become homeless as a result of personal circumstances i.e. the failure of his business and the breakdown of a personal relationship. The broadcaster accepted that it did not refer to the initial explanation offered by the Council that it could not progress Mr Curry's application "due to lack of supporting paperwork" but it noted that the Council itself had appeared to abandon this "lack of paperwork" position later on 23 January (see below).

ITV said that despite the Council's statement dated 17 January that "the individual has not provided all the documentation needed to legally register for housing", on the evening of 23 January the Council stated to GMB that it had placed Mr Curry on its social housing list since "we met him on Wednesday" i.e. 17 January. The broadcaster said that GMB did reflect the Council's position that it would "not comment on individual cases" in the footage of the visit to the Council offices by GMB's correspondent, shown on 23 January. Therefore, ITV said that it did not consider that its failure to refer to an alleged lack of provision of paperwork on Mr Curry's part led to any unfairness to the Council in the programmes.

ITV said that, Mr Curry was not "offered two properties" as such, and it was arguably misleading to the public for the Council to suggest that this was the case. It said that Mr Curry was offered two types of temporary and wholly unsuitable accommodation. It added that Mr Curry was invited to describe this temporary accommodation in his interview on 22 January, and he did so. The broadcaster said it was not unfair to the Council to omit to state that they had offered two properties, having asked Mr Curry directly to describe at least one of these two offers.

Background post broadcasts

ITV said that GMB contacted the Council on the morning of 23 January at 12:35, by email, and was referred by the Council to the statements on the Council's website. It said that later that day, at 16:53, the Council provided GMB with a new statement which contradicted the Council's previous position that it would not comment on individual cases. It said that, for the first time, it confirmed "Mr Curry has been on the social housing waiting list since we met with him last Wednesday and he has placed a bid on a property". ITV said that this appeared to abandon the earlier position that the Council could not assist Mr Curry until he provided further documentation. The Council further stated that it prioritised housing for former members of the services and "they're given an advantage on the waiting list". ITV said the Council contrasted the total number of people in Herefordshire looking for social housing which was 1,328, 13 of whom had a forces background. The Council also stated that it does not own any housing stock, which is held by housing associations, but operated the social housing register and supported local people to apply and bid for homes from housing associations, and once a bid is placed the applicant liaises directly with the association not the Council.

ITV said that other than the development of Mr Curry now having bid on a home, all the statements made by the Council would have been known to it when GMB first approached the Council for comment on Mr Curry's case on 19 January. Therefore, it said that had the Council provided this statement prior to the first programme on 22 January, then GMB's coverage might have been significantly different, and possibly somewhat less critical of the Council. ITV said that GMB thanked the Council for this statement, which appeared to provide at least a partial explanation for the delay in securing Mr Curry a home, on which the programme had been reporting.

ITV said that, having issued the latest statement, later that same evening at 19:44, the Council then issued a complaint to GMB about its coverage of the story to date. ITV said that the Council claimed that GMB "had had the opportunity today [i.e. that morning] to provide the correct information but failed to do so". ITV said that the Council had repeatedly turned down opportunities to address Mr Curry's case directly on the programme and had failed to respond to the specific core criticisms made of them by the press, and by Mr Curry himself

and his supporters, in GMB's coverage of the story on 22 and 23 January, at least until the third statement was issued to GMB.

ITV said that after receiving the third statement from the Council, GMB spoke to Mr Curry who confirmed that some progress did seem to be being made in securing him a home, and he was awaiting further news on his "bid".

ITV said that on 25 January, GMB spoke to the Council's communications team and explained that, in light of the development in the story, GMB intended to revisit the story once Mr Curry had secured his new home, which GMB understood could be in the next few days. It said that GMB reiterated its desire to represent the Council's position fairly in the programme. The communications team agreed that this was a good approach and confirmed that the Council would provide a new and shorter statement, which could be reflected in the programme once GMB returned to the story. ITV said that the communications team did not request for GMB to broadcast the revised statement that had been provided on the evening of 23 January, or request that GMB invited a Council representative to appear in the programme. GMB agreed to "check in" with the communications team before returning to the story. ITV said that it appeared to GMB that the Council was content with this position.

ITV said that on 31 January, it was confirmed to GMB by Mr Curry that his bid for a flat had been successful, that he was being interviewed the next day by the relevant housing association, and that if all went well he could receive the keys shortly. It said that it arranged to interview Mr Curry on Friday 2 February to update his story. As had been agreed, ITV said that GMB contacted the Council and received a new statement from it for broadcast.

ITV said that on 2 February, GMB interviewed Mr Curry, who said that he had been offered a one- bedroom property which suited his needs and that he was going to view the property with the Council that morning. It added that the presenter, Mr Ben Shephard, read out a brief statement from the Council which reflected that they provide a range of support to former service personnel, that they did not own council houses but, had supported Mr Curry to register for social housing, and that there was a great demand for social housing in the county.

ITV said that on 5 February, GMB interviewed Mr Curry to reveal that he had now moved into his new flat. It broadcast a live interview directly from his new home. It said that the programme showed Mr Curry and his friends as they helped him to settle into his new home. Mr Curry said he had been humbled by the public reaction to the campaign to get him a home and referred to the thousands of homeless servicemen who needed assistance. Ms Reid read out a statement on behalf of the Council which said:

"Herefordshire Council provides a range of support to ex-service personnel. We do not own council houses, so we supported Mr Curry to register for social housing and understand that he has now secured a property with a housing association.

We know that it is often hard for people to ask for support, especially in difficult personal circumstances and our staff are sympathetic and supportive, whilst being fair to everyone who needs help".

ITV said that Mr Morgan made a "final unscripted and spontaneous comment" to the effect that he understood the Council had complained to Ofcom about him for being too critical of it, but that he would "not be bullied, and was happy for them to do so".

ITV said that it considered GMB's treatment of the story on 22 and 23 January was robust in its tone and contained critical references to the Council from both Mr Curry and his supporters, and from the presenters. ITV accepted that it did not reflect the relatively limited and generic statements that had been issued by the Council at that time. It also said that it did not reflect the Council's position as stated in the complaint (referring to the "limits" of its "capability") on 22 or 23 January as the Council had not made those clear to GMB prior to those programmes. However, it said that it did reflect the Council's direct response to GMB's requests for interview on 23 January.

ITV said that once the Council had provided GMB with a response to the specific criticisms of its handling of Mr Curry's case, on the evening of 23 January, GMB agreed with the Council that it would reflect the Council's position when the programme returned to the story, and the Council was aware that it intended to do so. It said that, despite this, the Council proceeded with its complaint to Ofcom about the programmes broadcast on 22 and 23 January, knowing that the programme intended to revisit the story and address those matters that the Council was complaining had not been reflected previously.

ITV concluded that the story was a matter of public interest. In particular, it said that the programmes were not focused simply, or even primarily, on the Council and criticism of its conduct, but rather on Mr Curry's individual story, and how it reflected a wider issue of how society presently offers inadequate support for veterans who may experience problems such as homelessness.

The broadcaster said that given Mr Curry's experiences, it did not consider that GMB's coverage in the programmes treated the Council unfairly, notwithstanding that it acknowledged that the coverage of 22 and 23 January did not fully reflect the formal public statements made by the Council up to that point. It added that the presenters did express forcibly their support for Mr Curry obtaining a home and being accorded the respect that his actions and service on behalf of his country deserved, and that the programme reflected the widespread criticisms of the response of the Council to his plight. It said that this duly reflected the widespread public support for Mr Curry, and that, taking into account GMB's further reporting of the happy outcome of the story and the due reflection of the Council's later statements, that GMB's coverage did not lead to unfairness towards the Council.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View on this case that the complaint should be upheld in part. Both the complainant and broadcaster were given the opportunity to make representations on the Preliminary View. Both parties' representations (insofar as they relate directly with the complaint considered by Ofcom) are summarised below.

Complainant's representations

The Council said that the impact of the programme's presenters being highly critical of it during the programme broadcast on 22 January 2018, without any attempt to read out the right of reply statement provided by the Council, was significant. It added that the overtly negative tone and generalised pejorative comments about the Council as a whole which went beyond the subject matter, without presentation of its response, did not allow viewers to be appraised of the facts from the Council's point of view.

The Council said that the derogatory approach continued during the programme broadcast on 23 January, when it said the programme made no attempt to read out the latest statement supplied by the Council. The Council said that the programme included an interview filmed on the Council property without consent, where the reporter asked to speak with the Council's Chief Executive. It added that, as the Council had provided written statements to the programme, the request for an interview was declined. It also said that the reporter had stated that the Council would not talk to the programme makers and the presenter stated *"they don't want to know, they don't want to comment, they don't want to do anything"*. This, it said, was despite the Council having spoken with the programme makers and supplied written statements. It added that it was inaccurate for the programme to suggest that no comment had been made.

The Council said that the interviews with Mr McNab and Mr Davidson during the programme were aligned to the programme's viewpoint. However, it said that the subject matter offered an ideal opportunity for the presenters to give the Council's latest statement which had been provided to the programme. It added that the statement indicated that the Council had signed the Armed Forces Covenant, and outlined the assistance provided to former members of the armed forces, which would have provided an alternative perspective to the discussion. The Council concluded that it was detrimental to it that this opportunity to provide the Council's latest statement was missed.

Broadcaster's representations

ITV said that it did not consider that the Council's representations raised any new or substantive points that should alter the conclusions of Ofcom's Preliminary View. It added that the Preliminary View correctly concluded that the broadcast of 23 January programme, having included the Council's latest position, as stated by the Council's communications team member directly to the programme's reporter, fairly reflected the Council's position on that day. It said that the programme was therefore not obliged as a matter of fairness to refer in addition to the Council's previously published responses.

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 in programmes in such services.

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 this Decision in this case, we carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript of it, and both parties' written submissions. Ofcom also took careful account of the representations made by the parties in response to being given the opportunity to comment on Ofcom's Preliminary View on this complaint. After careful consideration of both sets of representations, we considered the points raised did not materially affect the outcome of Ofcom's decision to partially uphold this complaint.

When considering complaints of unjust or 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"). In addition to this rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

Ofcom considered the Council's complaint that it was treated unjustly or unfairly in the programmes because although the Council was provided with an opportunity to respond to the claims made, its views were not represented in the programmes.

Practice 7.9 states:

"before broadcasting a factual programme..., broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation...".

Practice 7.13 states:

"Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner".

Programme broadcast on 22 January 2018

During this programme, Mr Curry claimed that he, and a number of other organisations who were assisting him, had had a "*constant battle with the council*" and the presenter, Mr Morgan, claimed that Mr Curry was homeless "*because you [the Council] have not seen fit to take care of him*", and that the Council should "*do your jobs and give this guy a proper council house right now*". It was in this context that Mr Morgan referred to, but refused to read out, the Council's statement, he said: "*There's a statement from the council, I was going to read it, but you know what? I can't be bothered*".

We had regard to ITV's submission that the story about Mr Curry had featured in a number of national newspapers prior to the broadcast of the programme, which reported that the Council had failed to provide Mr Curry with adequate assistance to date, and that this failure to respond to a "former military hero in need" reflected a wider failure by society to honour and support its former military personnel. We also took into account that the programme makers contacted the Council on Friday 19 January (as well as over the weekend of 20 and 21 January) to put it on notice that the programme intended to interview Mr Curry on Monday 22 January and that it would discuss the criticisms of the Council that had been reported in the newspapers. The Council provided a statement in response to this.

We took into account that, in one of the statements provided by the Council to the programme makers (published on the Council's website on 17 January and which the Council referred the programme makers to on 21 January), it said that it was "actively working with this individual [Mr Curry] to secure accommodation within the county". It also said that this "individual" (i.e. Mr Curry) had not provided all the correct documentation and that it had previously offered him two different forms of accommodation, which he turned down. The

Council also informed the programme makers in a separate statement that it was committed to the Armed Forces Covenant and that any person requiring support should provide all the necessary details requested.

Ofcom recognised that, despite requesting the Council's response to the claims to be made about it in the programme, the programme makers were not informed by the Council prior to the programme that decisions about social housing were made by housing associations and not the Council itself. We therefore considered that it was not reasonable in these particular circumstances for the Council to have expected the programme to have reflected information which was absent from the statements it had provided. In particular, we considered that the programme was principally reporting on the petition which had been set up in Mr Curry's name by Mr McNab calling for the Council to assist Mr Curry in finding suitable accommodation. Mr Curry also made it clear in the programme that he considered that it was the Council's responsibility to help him. We also considered that the Council were aware of the petition and Mr Curry's position and that the Council had chosen not to address these matters in its statement to GMB. Given these circumstances, therefore, we did not consider that the programme was unfair to the Council by not including information concerning the limitations of the Council's responsibility in allocating social housing.

We recognised that the programme makers had been informed about both the reason the Council had been unable to progress Mr Curry's application and that it had offered him two properties, yet this information was not included in the programme. We therefore considered whether, by omitting this information and not reflecting the Council's statement in the terms complained about, the programme resulted in unfairness to the Council.

We recognised that there had been widespread national media coverage of Mr Curry's story and considered that viewers were likely to have understood that this was a developing story. In our view, it would also have been clear to viewers that the intention of the programme was to report Mr Curry's story, the petition, and to follow his progress in securing accommodation appropriate for his needs. We also took into account that viewers would have been aware that the Council had submitted a response to the claims being made in the programme and that it had been Mr Morgan's decision alone not to read out the statement. In addition, we considered that viewers would have been familiar with his established presenting style.

However, we took into account that Mr Curry and the presenters were critical of the Council. In particular, when Mr Curry was asked about whether he had been in contact with the Council, he said that he had been in a "*constant battle*" with it and he only referred to the assistance he had received from military organisations. Further, Mr Morgan said that the treatment of Mr Curry was "*disgusting*" and that the Council had not "*seen fit to take care of him*". In our view, the programme focused on Mr Curry's version of events and therefore, Mr Morgan's decision to dismiss the Council's statement outright and not read it, or to reflect in summary what it said in response, meant that at no point in this programme was the Council's view reflected. As a consequence, we considered that viewers were not provided with an opportunity to understand the Council's position and that this had the clear potential to materially and adversely affect viewers' opinions of the Council in a way that was unfair.

We took into account ITV's submission that Mr Curry's story was covered in a series of programmes as the story developed and that in subsequent programmes the Council's view was reflected. However, at no point was the Council's view represented in the programme broadcast on 22 January and we did not consider that it was sufficient for the broadcaster to

rely on the broadcast of subsequent programmes to avoid unfairness to the Council in the programme broadcast on 22 January.

For all these reasons, therefore, we considered that the broadcaster had not taken reasonable care to ensure that material facts had not been presented, disregarded or omitted in a way that was unfair to the Council and that the programme had failed to adequately and fairly reflect the Council's position in the programme broadcast on 22 January 2018.

Programme as broadcast on 23 January 2018

During this programme, it was reported that Mr Curry had still not received a response from the Council and Mr Morgan said that *"they don't want to know, they don't want to help, they don't want to do anything"*. On two occasions, the programme included the same doorstep interview (filmed on 22 January) with a member of the Council's communications team who responded to the GMB correspondent's questions about Mr Curry and his claims.

We took into account that, following the broadcast of the programme on 22 January, the programme makers contacted the Council to request a further interview. The Council duly responded and said that they would be "unable to put anyone forward for an interview" and directed the programme makers to its previous statements. In response, the programme makers asked for the Council to address the particular issue it had raised about the reason the Council "has not yet managed to find Mr Curry a home". The programme makers followed up this email to inform the Council that one of its correspondents was in the area. The programme makers received no further response from the Council and as such, a correspondent attended the Council's offices to speak with its Chief Executive directly. The correspondent spoke to a member of the Council's communications team and this interview was included in the programme. After the correspondent introduced himself, the communications team member said that she had already been in contact with GMB (*"twice now and I've emailed her"*) which we considered to be a reference to the Council having already informed GMB that neither the Chief Executive, nor anyone else from the Council, would be taking part in an interview and that it had already provided a statement. We also took into account that the correspondent asked the communications team member whether he could speak with the Chief Executive about Mr Curry's situation and was informed that the Council *"do not comment on individual cases"*. The correspondent then asked if the Council was able to provide a more general statement and was informed that information about how it supports the Armed Forces Covenant was available on its website.

We took account of the Council's representations that it considered the programme's presenter had inaccurately suggested that no comment had been made by the Council. However, we considered that it would have been clear to viewers that the Council's representative clearly signposted to the reporter that it had provided previous statements in response to the claims.

We took into account that the Council had previously provided a statement to the programme and that at no point had this statement been reflected. However, we considered that as this was a developing story, it was necessary for the programme to reflect the most up-to-date response from the Council. We therefore considered that the programme, by way of an interview with a member of the Council's communications team, fairly reflected the Council's position in this respect. We also took into account the broadcaster's response that in the Council's previous statements to the programme, it had commented specifically on Mr

Curry's case, but that during the interview it made clear that it did not comment on individual cases. In light of this change to its response, we therefore considered that it was reasonable for the programme makers to assume that this filmed interview response reflected the Council's most up-to-date position on Mr Curry's case. Given this, on balance, we did not consider that it was incumbent on the broadcaster, in order to avoid unfairness to the Council, to have reflected the Council's previous responses in the programme. Therefore, we did not consider that the Council was treated unfairly in the programme broadcast on 23 January 2018.

Ofcom found that the Council had been treated unfairly in the programme as broadcast on 22 January 2018 by the presenter refusing to reflect the Council's statement in response to the criticisms made against it. However, there was no unfairness to the Council in respect of the programme as broadcast on 23 January 2018.

Ofcom has upheld in part the complaint of unjust or unfair treatment in the programmes as broadcast made by Herefordshire County Council.

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 3 and 16 September 2018 because they did not raise issues warranting investigation.

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

Programme	Service	Transmission Date	Categories	Number of complaints
Sun, Sex and Suspicious Parents	4Music	07/08/2018	Nudity	1
Trending Live	4Music	07/09/2018	Dangerous behaviour	1
Running Wild with Bear Grylls	5Spike	02/08/2018	Harm	1
Worlds Angriest: Caught on Camera	5Spike	31/08/2018	Generally accepted standards	1
Going Down Old Skool Memory Lane With Marco Moretti	Bliss Radio	18/08/2018	Offensive language	1
Liverpool v Brighton	BT Sport 1	25/08/2018	Race discrimination/offence	1
Premier League Football: Chelsea vs Arsenal	BT Sport 1	18/08/2018	Disability discrimination/offence	3
Big Drive Home	Cannock Chase Radio FM	17/08/2018	Offensive language	1
8 Out of 10 Cats Does Countdown	Channel 4	31/08/2018	Generally accepted standards	2
Celebrity Island with Bear Grylls	Channel 4	09/09/2018	Animal welfare	1
Channel 4 News	Channel 4	13/07/2018	Due accuracy	1
Channel 4 News	Channel 4	08/08/2018	Due impartiality/bias	1
Channel 4 News	Channel 4	14/08/2018	Due impartiality/bias	1
Channel 4 News	Channel 4	22/08/2018	Due accuracy	6
Channel 4 News	Channel 4	28/08/2018	Due impartiality/bias	3
Channel 4 News	Channel 4	11/09/2018	Gender discrimination/offence	1
Derry Girls (trailer)	Channel 4	05/09/2018	Generally accepted standards	1
Extreme Cake Makers	Channel 4	06/09/2018	Offensive language	1
Gogglebox	Channel 4	07/09/2018	Generally accepted standards	7
Gogglebox	Channel 4	07/09/2018	Offensive language	1
Hollyoaks	Channel 4	08/08/2018	Scheduling	1

Programme	Service	Transmission Date	Categories	Number of complaints
Manhunting with My Mum (trailer)	Channel 4	18/08/2018	Sexual material	1
Married to a Paedophile	Channel 4	03/09/2018	Generally accepted standards	20
Massacre at Ballymurphy	Channel 4	08/09/2018	Due impartiality/bias	29
Naked Attraction	Channel 4	24/08/2018	Nudity	3
Naked Attraction	Channel 4	28/08/2018	Generally accepted standards	1
Naked Attraction	Channel 4	28/08/2018	Nudity	1
Naked Attraction	Channel 4	31/08/2018	Generally accepted standards	5
Naked Attraction	Channel 4	31/08/2018	Nudity	5
Naked Attraction	Channel 4	04/09/2018	Generally accepted standards	1
Naked Attraction	Channel 4	04/09/2018	Sexual material	1
Naked Attraction	Channel 4	07/09/2018	Generally accepted standards	5
Naked Attraction	Channel 4	11/09/2018	Generally accepted standards	1
The Extreme Diet Hotel	Channel 4	05/09/2018	Harm	13
The Extreme Diet Hotel	Channel 4	11/09/2018	Harm	2
The Great British Bake Off	Channel 4	30/08/2018	Offensive language	1
The Great British Bake Off	Channel 4	04/09/2018	Generally accepted standards	1
The Great British Bake Off	Channel 4	04/09/2018	Offensive language	1
The Great British Bake Off	Channel 4	04/09/2018	Race discrimination/offence	1
The Great British Bake Off: Extra Slice	Channel 4	07/09/2018	Sexual orientation discrimination/offence	1
The Undateables	Channel 4	10/09/2018	Disability discrimination/offence	1
The Undateables (trailer)	Channel 4	04/09/2018	Disability discrimination/offence	1
Blind Date	Channel 5	04/08/2018	Offensive language	1
Britain by Bike with Larry and George Lamb	Channel 5	07/09/2018	Offensive language	1
Celebrity Big Brother	Channel 5	17/08/2018	Religious/Beliefs discrimination/offence	1
Celebrity Big Brother	Channel 5	19/08/2018	Generally accepted standards	2

Programme	Service	Transmission Date	Categories	Number of complaints
Celebrity Big Brother	Channel 5	19/08/2018	Race discrimination/offence	2
Celebrity Big Brother	Channel 5	21/08/2018	Generally accepted standards	2
Celebrity Big Brother	Channel 5	22/08/2018	Generally accepted standards	2
Celebrity Big Brother	Channel 5	23/08/2018	Generally accepted standards	2
Celebrity Big Brother	Channel 5	25/08/2018	Generally accepted standards	1
Celebrity Big Brother	Channel 5	26/08/2018	Gender discrimination/offence	1
Celebrity Big Brother	Channel 5	26/08/2018	Generally accepted standards	2
Celebrity Big Brother	Channel 5	26/08/2018	Offensive language	1
Celebrity Big Brother	Channel 5	28/08/2018	Generally accepted standards	1
Celebrity Big Brother	Channel 5	28/08/2018	Religious/Beliefs discrimination/offence	1
Celebrity Big Brother	Channel 5	30/08/2018	Product placement	1
Celebrity Big Brother	Channel 5	02/09/2018	Animal welfare	1
Celebrity Big Brother	Channel 5	02/09/2018	Race discrimination/offence	1
Celebrity Big Brother	Channel 5	03/09/2018	Race discrimination/offence	128
Celebrity Big Brother	Channel 5	04/09/2018	Dangerous behaviour	1
Celebrity Big Brother	Channel 5	04/09/2018	Gender discrimination/offence	1
Celebrity Big Brother	Channel 5	04/09/2018	Generally accepted standards	6
Celebrity Big Brother	Channel 5	04/09/2018	Violence	1
Celebrity Big Brother	Channel 5	05/09/2018	Drugs, smoking, solvents or alcohol	1
Celebrity Big Brother	Channel 5	05/09/2018	Generally accepted standards	3
Celebrity Big Brother: Live From The House	Channel 5	28/08/2018	Generally accepted standards	25
Celebrity Big Brother's Bit On The Side	Channel 5	16/08/2018	Generally accepted standards	1
Celebrity Big Brother's Bit On The Side	Channel 5	22/08/2018	Generally accepted standards	1
Celebrity Big Brother's Bit On The Side	Channel 5	30/08/2018	Religious/Beliefs discrimination/offence	1
Celebrity Big Brother's Bit On The Side	Channel 5	05/09/2018	Materially misleading	1

Programme	Service	Transmission Date	Categories	Number of complaints
GPs: Behind Closed Doors	Channel 5	05/09/2018	Generally accepted standards	1
Jeremy Vine	Channel 5	03/09/2018	Due impartiality/bias	1
Jeremy Vine	Channel 5	04/09/2018	Generally accepted standards	1
Jeremy Vine	Channel 5	06/09/2018	Religious/Beliefs discrimination/offence	1
The Chase	Channel 5	30/08/2018	Dangerous behaviour	1
The Wright Stuff	Channel 5	01/08/2018	Generally accepted standards	1
The Wright Stuff	Channel 5	23/08/2018	Generally accepted standards	2
The Wright Stuff	Channel 5	29/08/2018	Generally accepted standards	1
Undercover Girlfriends	Channel 5	02/09/2018	Scheduling	1
Undercover Girlfriends	Channel 5	05/09/2018	Harm	1
News	Channel i	20/08/2018	Other	1
News	Classic FM	30/08/2018	Due impartiality/bias	1
Wake Up in Clubland	Clubland TV	14/08/2018	Sexual material	1
Yukon Men	Discovery Channel	29/06/2018	Animal welfare	1
Made in Chelsea: Croatia	E4	03/09/2018	Generally accepted standards	2
The Circle (trailer)	Film4	05/09/2018	Violence	1
News	Forces TV	09/08/2018	Generally accepted standards	1
Rugby AM	FreeSports	01/08/2018	Offensive language	1
Programming (trailer)	Heart North East	31/08/2018	Gender discrimination/offence	1
Channel ident	ITV	16/01/2018	Animal welfare	1
Coronation Street	ITV	30/08/2018	Sexual orientation discrimination/offence	1
Coronation Street	ITV	31/08/2018	Violence	7
Coronation Street	ITV	07/09/2018	Materially misleading	1
Coronation Street	ITV	10/09/2018	Generally accepted standards	1
Coronation Street	ITV	12/09/2018	Generally accepted standards	22
Emmerdale	ITV	30/08/2018	Disability discrimination/offence	2
Emmerdale	ITV	30/08/2018	Generally accepted standards	2
Emmerdale	ITV	31/08/2018	Generally accepted standards	2

Programme	Service	Transmission Date	Categories	Number of complaints
Emmerdale	ITV	03/09/2018	Violence	1
Emmerdale	ITV	04/09/2018	Disability discrimination/offence	2
Emmerdale	ITV	04/09/2018	Violence	1
Emmerdale	ITV	05/09/2018	Violence	4
Emmerdale	ITV	06/09/2018	Nudity	1
Good Morning Britain	ITV	24/08/2018	Due impartiality/bias	1
Good Morning Britain	ITV	31/08/2018	Due impartiality/bias	1
Good Morning Britain	ITV	31/08/2018	Generally accepted standards	1
Good Morning Britain	ITV	03/09/2018	Generally accepted standards	1
Good Morning Britain	ITV	05/09/2018	Due impartiality/bias	3
Good Morning Britain	ITV	06/09/2018	Competitions	1
Good Morning Britain	ITV	10/09/2018	Sexual orientation discrimination/offence	1
Good Morning Britain	ITV	12/09/2018	Scheduling	2
Good Morning Great Britain / Lorraine	ITV	13/06/2018	Competitions	1
ITV Evening News	ITV	30/08/2018	Due accuracy	1
ITV London Tonight	ITV	08/08/2018	Due accuracy	1
ITV News	ITV	21/08/2018	Gender discrimination/offence	2
ITV News	ITV	28/08/2018	Due impartiality/bias	1
ITV News	ITV	04/09/2018	Due impartiality/bias	1
ITV News	ITV	13/09/2018	Due accuracy	1
ITV News at Ten	ITV	22/08/2018	Due impartiality/bias	1
ITV News at Ten	ITV	28/08/2018	Generally accepted standards	1
ITV News London	ITV	28/08/2018	Due accuracy	1
Jackpot 24/7	ITV	12/09/2018	Participation TV – Gambling	1
James Martin's American Adventure	ITV	24/08/2018	Animal welfare	2
Japandemonium	ITV	11/08/2018	Race discrimination/offence	1
Loose Women	ITV	09/08/2018	Race discrimination/offence	2
Loose Women	ITV	06/09/2018	Generally accepted standards	1
Loose Women	ITV	11/09/2018	Offensive language	1
Lorraine	ITV	22/08/2018	Generally accepted standards	2
Lorraine	ITV	03/09/2018	Scheduling	1
Love Your Garden	ITV	07/08/2018	Animal welfare	1

Programme	Service	Transmission Date	Categories	Number of complaints
Love Your Garden	ITV	07/08/2018	Generally accepted standards	1
The Chase	ITV	17/08/2018	Race discrimination/offence	1
The Chase	ITV	02/09/2018	Gender discrimination/offence	4
The Chase	ITV	03/09/2018	Materially misleading	1
The Chase	ITV	10/09/2018	Materially misleading	1
The Jeremy Kyle Show	ITV	08/08/2018	Sexual material	1
The Jeremy Kyle Show	ITV	12/09/2018	Generally accepted standards	3
The Jonathan Ross Show	ITV	01/09/2018	Generally accepted standards	3
The Jonathan Ross Show	ITV	08/09/2018	Generally accepted standards	1
The X Factor	ITV	01/09/2018	Dangerous behaviour	1
The X Factor	ITV	01/09/2018	Gender discrimination/offence	1
The X Factor	ITV	02/09/2018	Age discrimination / offence	1
The X Factor	ITV	02/09/2018	Drugs, smoking, solvents or alcohol	1
The X Factor	ITV	02/09/2018	Generally accepted standards	1
The X Factor	ITV	08/09/2018	Competitions	1
The X Factor	ITV	08/09/2018	Generally accepted standards	2
The X Factor	ITV	08/09/2018	Transgender discrimination/offence	4
The X Factor	ITV	08/09/2018	Under 18s in programmes	1
The X Factor	ITV	09/09/2018	Generally accepted standards	3
The X Factor	ITV	09/09/2018	Nudity	1
This Morning	ITV	15/08/2018	Promotion of products/services	1
This Morning	ITV	17/08/2018	Transgender discrimination/offence	1
This Morning	ITV	28/08/2018	Materially misleading	1
This Morning	ITV	30/08/2018	Animal welfare	1
This Morning	ITV	04/09/2018	Generally accepted standards	4
This Morning	ITV	07/09/2018	Sexual material	1
This Morning	ITV	12/09/2018	Materially misleading	133

Programme	Service	Transmission Date	Categories	Number of complaints
Through The Keyhole	ITV	29/08/2018	Generally accepted standards	1
Vanity Fair	ITV	02/09/2018	Animal welfare	1
Vanity Fair	ITV	02/09/2018	Race discrimination/offence	1
WOS Wrestling	ITV	26/08/2018	Materially misleading	1
ITV News Central	ITV Central	18/08/2018	Due accuracy	1
ITV News Cymru Wales at 6	ITV Wales	07/08/2018	Generally accepted standards	1
You've Been Framed	ITV2	07/09/2018	Gender discrimination/offence	2
Ovo Tour of Britain 2018	ITV4	04/09/2018	Materially misleading	1
Oddballs	ITVBe	14/09/2018	Generally accepted standards	1
The Only Way is Essex	ITVBe	02/09/2018	Generally accepted standards	2
Botched	Kanal 11 (Sweden)	20/07/2018	Nudity	1
Botched	Kanal 11 (Sweden)	28/07/2018	Nudity	1
Breaking News	Kanal 5 (Sweden)	23/08/2018	Due impartiality/bias	1
Breaking News	Kanal 5 (Sweden)	29/08/2018	Due impartiality/bias	1
Beverly Turner	LBC 97.3 FM	01/09/2018	Race discrimination/offence	1
James O'Brien	LBC 97.3 FM	06/08/2018	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	09/08/2018	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	11/09/2018	Generally accepted standards	1
Maajid Nawaz	LBC 97.3 FM	27/08/2018	Materially misleading	1
Maajid Nawaz	LBC 97.3 FM	02/09/2018	Race discrimination/offence	1
Maajid Nawaz	LBC 97.3 FM	09/09/2018	Religious/Beliefs discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	29/08/2018	Due impartiality/bias	1
Nick Ferrari	LBC 97.3 FM	29/08/2018	Materially misleading	1
Nigel Farage	LBC 97.3 FM	03/09/2018	Due impartiality/bias	1
Richard Spur	LBC 97.3 FM	04/08/2018	Materially misleading	1
Steve Allen	LBC 97.3 FM	05/08/2018	Generally accepted standards	1
Steve Allen	LBC 97.3 FM	13/08/2018	Generally accepted standards	1
Steve Allen	LBC 97.3 FM	30/08/2018	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Steve Allen	LBC 97.3 FM	05/09/2018	Sexual orientation discrimination/offence	1
Steve Allen	LBC 97.3 FM	12/09/2018	Generally accepted standards	1
Friday Prayers Jumma	Link FM (Sheffield)	27/07/2018	Offensive language	1
Programming	London Live	n/a	Other	1
Ricky Gervais: Politics	More4	01/09/2018	Generally accepted standards	1
MTV Video Music Awards	MTV	21/08/2018	Scheduling	1
Teen Mom UK	MTV	12/09/2018	Race discrimination/offence	1
True Love or True Lies?	MTV	13/08/2018	Sexual material	1
Programming	n/a	Various	Scheduling	1
Car SOS	National Geographic	05/06/2018	Materially misleading	1
Europe China Journal	Phoenix Chinese News & Entertainment	10/07/2018	Due accuracy	1
Road Wars	Pick	25/08/2018	Disability discrimination/offence	1
Mike Toolan Show	Radio Hallam FM	13/08/2018	Religious/Beliefs discrimination/offence	1
James Whale	Radio Tamworth	30/08/2018	Race discrimination/offence	1
Radio X Breakfast Show	Radio X	13/08/2018	Generally accepted standards	1
Homes Under the Hammer	Really	02/09/2018	Materially misleading	1
The Affair	Sky Atlantic	07/08/2018	Race discrimination/offence	1
All Out Politics with Adam Boulton	Sky News	10/09/2018	Due accuracy	1
Final Score (trailer)	Sky News	04/08/2018	Violence	1
Paper Review	Sky News	29/07/2018	Due impartiality/bias	1
Press Preview	Sky News	09/08/2018	Due accuracy	1
Press Preview	Sky News	13/08/2018	Due accuracy	1
Press Preview	Sky News	13/08/2018	Due impartiality/bias	1
Sky News	Sky News	05/08/2018	Due impartiality/bias	1
Sky News	Sky News	11/08/2018	Due impartiality/bias	1
Sky News	Sky News	14/08/2018	Due impartiality/bias	1
Sky News	Sky News	15/08/2018	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
Sky News	Sky News	18/08/2018	Generally accepted standards	1
Sky News	Sky News	22/08/2018	Due impartiality/bias	1
Sky News	Sky News	06/09/2018	Due accuracy	1
Super Sunday	Sky Sports	26/08/2018	Drugs, smoking, solvents or alcohol	1
Cricket Debate: England v India	Sky Sports Cricket	19/08/2018	Offensive language	1
Canadian Grand Prix	Sky Sports F1	10/06/2018	Undue prominence	1
A League of Their Own	Sky1	04/09/2018	Offensive language	1
A League of Their Own	Sky1	06/09/2018	Generally accepted standards	1
UK Border Patrol	Sky1	01/07/2018	Race discrimination/offence	1
STV News at 6	STV	03/09/2018	Due accuracy	1
Girls about Town	Swindon 105.5	22/08/2018	Generally accepted standards	2
Drive Time	Talksport	07/08/2018	Generally accepted standards	3
Conspiracy Theory with Jesse Ventura	TCM HD	18/08/2018	Materially misleading	1
Dr Pimple Popper (trailer)	TLC	20/08/2018	Generally accepted standards	1
Sister Wives / Seeking Sister Wife	TLC	26/08/2018	Generally accepted standards	1
Programming	Various	02/09/2018	Other	1

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

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	25/04/2018	Other	1
BBC News at Six	BBC 1	01/08/2018	Generally accepted standards	1
Countryfile	BBC 1	08/07/2018	Generally accepted standards	1
Look North	BBC 1 North	06/06/2018	Due impartiality/bias	1
Programming	BBC channels	Various	Other	1

Programme	Service	Transmission Date	Categories	Number of complaints
Jo Whiley & Simon Mayo	BBC Radio 2	12/07/2018	Generally accepted standards	1
International Women's Day (week long scheduling)	BBC Radio 3	08/03/2018	Gender discrimination/offence	1
BBC News	BBC Radio 4	15/05/2018	Due accuracy	1
Today	BBC Radio 4	25/06/2018	Due impartiality/bias	1

For more information about how Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS, go to:

https://www.ofcom.org.uk/data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf

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

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue between 3 and 16 September 2018 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories
Channel 5 Broadcasting Limited	Channel 5	Television Access Services
Nation Radio Limited	Nation Radio South Wales	Format

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

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 or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisement	5USA	05/09/2018	Advertising content	1
Programming	BBC	n/a	Generally accepted standards	1
Troy – Fall of a City	BBC 1	01/03/2018	Outside of remit	1
Advertisement	Cartoonito	01/08/2018	Advertising content	1
Advertisement	Channel 4	24/08/2018	Advertising content	1
Advertisement	Channel 4	28/08/2018	Advertising content	2
Advertisement	Channel 4 +1	02/09/2018	Advertising content	1
Advertisement	Channel 5	07/09/2018	Advertising content	1
Advertisement	Clyde 1	05/09/2018	Advertising content	1
Create and Craft (trailer)	Create and Craft	20/08/2018	Advertising content	2
Non-editorial (billing)	Eleven Sports	12/08/2018	Other	1
Live Vuelta a España	Eurosport 1 HD	01/09/2018	Outside of remit	1
Al Murray: Why Does Everyone Hate the English?	History	01/10/2018	Generally accepted standards	1
Advertisement	ITV	04/08/2018	Advertising content	1
Advertisement	ITV	05/08/2018	Advertising content	1
Advertisement	ITV	16/08/2018	Advertising content	1
Advertisement	ITV	17/08/2018	Advertising content	1
Advertisement	ITV	27/08/2018	Advertising content	1
Advertisement	ITV	29/08/2018	Advertising content	1
Advertisement	ITV	01/09/2018	Advertising content	1
Advertisement	ITV	02/09/2018	Advertising content	1
Advertisement	ITV	03/09/2018	Advertising content	1
Advertisement	ITV	04/09/2018	Advertising/editorial distinction	1
Advertisement	ITV	n/a	Advertising content	1
The X Factor	ITV	01/09/2018	Outside of remit	1
Advertisement	ITV2	26/08/2018	Generally accepted standards	1
Advertisement	ITV3	24/08/2018	Advertising content	1
Advertisement	ITV3	25/08/2018	Advertising content	1
Advertisement	ITV3	28/08/2018	Advertising content	1
Advertisement	ITV4	31/08/2018	Advertising content	1
Advertisement	ITVBe	23/08/2018	Advertising content	1
Advertisement	n/a	26/08/2018	Advertising content	1

Programme	Service	Transmission Date	Categories	Number of complaints
Non-editorial (billing, technology)	ksivlogan.tv	25/08/2018	Other	1
Advertisement	Magic Radio	23/08/2018	Advertising content	1
Advertisement	Metro Radio	21/08/2018	Advertising content	1
Programming	n/a	n/a	Outside of remit	1
Great news	Netflix	26/09/2018	Crime and disorder	1
Advertisement	Quest	31/08/2018	Advertising content	1
Advertisement	ROK	01/09/2018	Advertising content	1
Advertisement	Sky News	23/08/2018	Advertising content	1
Advertisement	Sky News	13/09/2018	Advertising content	1
Advertisement	Sky Sports Premiership	20/08/2018	Advertising content	1
Teleshopping	Syfy	01/09/2018	Teleshopping	1
Non-editorial (billing)	TVPlayer	01/08/2018	Other	1
Non-editorial (billing, subscriptions)	TVPlayer	03/07/2018	Other	1
Daily Mail	Twitter	n/a	Outside of remit	1
Maajid Nawaz	Twitter	25/08/2018	Outside of remit	1
Advertisement	Various	30/08/2018	Advertising content	1
Programming	Various	Various	Outside of remit	1

For more information about what Ofcom's rules cover, go to: <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint/what-does-ofcom-cover>

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Age Before Beauty	BBC 1	29/08/2018	Gender discrimination/offence	1
BBC Breakfast	BBC 1	12/09/2018	Race discrimination/offence	1
BBC News	BBC 1	03/09/2018	Due accuracy	1
BBC News	BBC 1	n/a	Other	1
BBC News – Beyond 100 Days	BBC 1	05/08/2018	Religious/Beliefs discrimination/offence	1
BBC Proms	BBC 1	08/09/2018	Due impartiality/bias	1
Breakfast	BBC 1	05/09/2018	Due accuracy	1
EastEnders	BBC 1	27/07/2018	Race discrimination/offence	1
EastEnders	BBC 1	03/09/2018	Generally accepted standards	1
EastEnders	BBC 1	03/09/2018	Violence	2
Inside Out West Midlands	BBC 1	03/09/2018	Generally accepted standards	1
Red Rock	BBC 1	17/08/2018	Violence	1
Stephen: The Murder That Changed Britain	BBC 1	17/04/2018	Due accuracy	1
Strictly Come Dancing	BBC 1	08/09/2018	Generally accepted standards	3
Strictly Come Dancing (trailer)	BBC 1	various	Generally accepted standards	1
The Andrew Marr Show	BBC 1	02/09/2018	Due impartiality/bias	1
The Dark Side of Dairy	BBC 1	10/09/2018	Due accuracy	2
The Dark Side of Dairy	BBC 1	10/09/2018	Due impartiality/bias	1
The Dark Side of Dairy	BBC 1	10/09/2018	Materially misleading	1
The Deer Stalker – Our Lives	BBC 1	26/08/2018	Violence	1
Wanderlust	BBC 1	04/09/2018	Sexual material	1
Mock the Week	BBC 2	31/08/2018	Race discrimination/offence	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Mock the Week	BBC 2	07/09/2018	Race discrimination/offence	1
Victoria Derbyshire	BBC 2	12/07/2018	Generally accepted standards	1
We Are British Jews	BBC 2	04/09/2018	Due impartiality/bias	1
We Are British Jews	BBC 2	05/09/2018	Due impartiality/bias	2
BBC News	BBC channels	n/a	Due impartiality/bias	1
Programming	BBC channels	01/01/2018	Due impartiality/bias	1
Programming	BBC channels	17/07/2018	Gender discrimination/offence	1
Programming	BBC channels	31/08/2018	Due accuracy	1
Programming	BBC channels	03/09/2018	Due impartiality/bias	1
Programming	BBC channels	n/a	Generally accepted standards	1
The Andrew Marr Show	BBC iPlayer	02/09/2018	Due impartiality/bias	1
BBC News	BBC News Channel	13/07/2018	Due impartiality/bias	1
BBC News	BBC News Channel	17/07/2018	Due impartiality/bias	1
BBC News	BBC News Channel	04/09/2018	Other	1
The Papers	BBC News Channel	25/03/2018	Generally accepted standards	1
BBC News	BBC Radio 4	01/09/2018	Due impartiality/bias	1
Woman's Hour	BBC Radio 4	02/08/2018	Due impartiality/bias	1
Good Morning Scotland	BBC Radio Scotland	20/08/2018	Due impartiality/bias	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 3 and 16 September 2018.

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

Programme	Service	Transmission date
Jonny Park	Capital Xtra	02/09/2018
5 News Update	Channel 5	06/09/2018
Celebrity Big Brother	Channel 5	30/08/2018
Encore Radio for Sunday Afternoon	Encore Radio	22/07/2018
Sarah Jane Crawford Show	Hits Radio	17/07/2018
Loose Women	ITV	29/08/2018
Kagad, Kalam Te Likhari	KTV	09/07/2018
Shamshar Singh	Panjab Radio	24/08/2018
George Galloway	Talk Radio	27/07/2018
George Galloway	Talk Radio	06/08/2018
James Whale	Talk Radio	31/07/2018

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

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

Programme	Service	Transmission date
News headlines and breaking news report within Geo Pakistan	Geo News	16/06/2018
BBC Look East	BBC 1	10/07/2018

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

For information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints on BBC Broadcasting Services and BBC ODPS, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf

Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
ATN Bangla UK	ATN Bangla UK Ltd

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-procedures.pdf