

OFCOM BROADCAST AND ON DEMAND BULLETIN

Issue number 386
9 September 2019



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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.

Broadcast Licence Conditions cases

In Breach/Resolved

Provision of information: Diversity in Broadcasting *Various licensees*

Introduction

Ofcom has a statutory duty under the Communications Act 2003 to take all such steps, as we consider appropriate, for promoting equality of opportunity in relation to employment and training by broadcasters, in terms of three of the 'protected characteristics' in the Equality Act 2010: gender, racial group and disability.

In March 2019, Ofcom wrote to TV licensees who were either new licensees, or who had informed Ofcom in 2018 that they had 50 or fewer employees, requiring them to submit:

- information relating to the number of people employed in connection with the provision of their broadcast service; and
- the number of days per year for which they are licensed to broadcast.

This information was to determine if the licensees met the threshold¹ requiring them to complete a more detailed questionnaire on their employees and equal opportunities arrangements.

We requested this information in accordance with Licence Condition 12(1) "General provision of information to Ofcom" of the Television Licensable Content Service ("TLCS") licence and the Digital Television Programme Service ("DTPS") licence, which states:

"The Licensee shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, returns, estimates, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 Act, the 1996 Act, or the Communications Act..."

Failure by a licensee to submit this information when required represents a breach of a broadcast licence, as it means that Ofcom may be unable properly to carry out its regulatory duties.

In Breach

The following licensees failed to submit the required information. These licensees have therefore been found in breach of Licence Condition 12(1) of their TLCS or DTPS licence(s).

¹ Licensees employing more than 20 people in connection with the provision of their licensed services and authorised to broadcast for more than 31 days a year.

Licensee	Service Name	Licence Number
A&A Inform Limited	Russian Hour	TLCS000680
Arti TV Limited	Arti TV	TLCS101890
Faraj Media Ltd	Safeer TV	TLCS001663
Media Platform Ltd	MPL	TLCS001095
	MPL Asia	TLCS001293
Mohiuddin Digital Television Limited	Noor TV	TLCS001049
Pure Media Corporation Limited	TV Okazje	TLCS102085

Ofcom considers the failure to provide this information to be a significant matter as it means that Ofcom is unable to properly carry out its regulatory duties.

In the case of A&A Inform Limited ("A&A Inform"), this is the fourth consecutive breach Ofcom has recorded for failure to provide diversity information. In 2017, 2018 and April 2019, we recorded breach findings against the Licensee published in [Issue 339](#), [Issue 356](#) and [Issue 376 of Ofcom's Broadcast and On Demand Bulletin respectively](#). In the April 2019 Decision, Ofcom made clear that it considered the Licensee's failure to provide its diversity information on request to be serious and repeated and that we would consider the breach for the imposition of a statutory sanction. We are therefore very concerned that A&A Inform has once again failed to provide its diversity information upon request in July 2019.

Ofcom is putting this licensee on notice that it will consider this breach for the imposition of a statutory sanction.

Resolved

The following licensees failed to submit the required information in accordance with the deadline, but subsequently submitted a late return. For these licensees, we therefore consider the matter resolved, under licence condition 12(1) of the TLCS licence.

Licensee	Service Name	Licence Number
Blue Star Bond Limited	Max Kids	TLCS102113
Filmflex Movies Limited	FilmFlex	TLCS000861
Glory TV Ltd	Glory TV	TLCS001206
Media Worldwide Limited	TravelXP	DTPS102364
	TravelXP	TLCS100035
	TravelXP Europe	TLCS102284
	TravelXP4K	TLCS102270
MG Global Entertainment (Europe) Limited	Adult Channel	TLCS000459
	Babes&Brazzers	TLCS000767
	Climax	TLCS000720
	XXX 18&Dirty	TLCS001213
	XXX Amateurs	TLCS000796
	XXX Brits	TLCS000768
	XXX Cougars	TLCS001434
	XXX GirlGirl	TLCS001468
	XXX Mums	TLCS001212

Licensee	Service Name	Licence Number
MG Global Entertainment (Europe) Limited	XXX Petite vs Big D	TLCS001469
	XXX Swingers	TLCS001430

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 19 August and 1 September 2019 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

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

Programme	Service	Transmission date	Categories
Old Wife, New Wife	Channel 5	24/04/2019	Under 18s in programmes

[How Ofcom conducts investigations about content standards on television and radio programmes](#)

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 19 August and 1 September 2019 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
Absolute Radio Breakfast Show with Dave Berry	Absolute Radio	07/08/2019	Competitions	1
Animal Rescue Live	Channel 4	14/08/2019	Gender discrimination/offence	1
Channel 4 News	Channel 4	29/07/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	03/08/2019	Race discrimination/offence	1
Channel 4 News	Channel 4	05/08/2019	Due accuracy	1
Channel 4 News	Channel 4	17/08/2019	Scheduling	1
Channel 4 News	Channel 4	19/08/2019	Generally accepted standards	2
Channel ident	Channel 4	06/08/2019	Generally accepted standards	1
Channel ident	Channel 4	19/08/2019	Generally accepted standards	2
Channel ident	Channel 4	20/08/2019	Generally accepted standards	1
George Clarke's Council House Scandal	Channel 4	31/07/2019	Due impartiality/bias	1
George Clarke's Council House Scandal	Channel 4	31/07/2019	Materially misleading	3
Hollyoaks	Channel 4	12/08/2019	Scheduling	1
Jade: The Reality Star Who Changed Britain	Channel 4	21/08/2019	Generally accepted standards	1
Lateish show with Mo Gilligan	Channel 4	23/08/2019	Race discrimination/offence	1
Naked Attraction	Channel 4	21/08/2019	Generally accepted standards	1
Naked Attraction	Channel 4	21/08/2019	Nudity	2
Naked Attraction	Channel 4	22/08/2019	Nudity	1
Naked Attraction	Channel 4	23/08/2019	Nudity	1
Programming	Channel 4	02/08/2019	Generally accepted standards	1
Programming	Channel 4	20/08/2019	Due impartiality/bias	1
Sink or Swim (trailer)	Channel 4	17/08/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
The British Tribe Next Door	Channel 4	22/08/2019	Generally accepted standards	1
The Tez O'Clock Show	Channel 4	08/08/2019	Generally accepted standards	1
The Tez O'Clock Show	Channel 4	08/08/2019	Race discrimination/offence	7
Age Gap Love	Channel 5	22/08/2019	Generally accepted standards	1
Cyclists: Scourge of the Streets?	Channel 5	09/07/2019	Materially misleading	4
Dirty Dancing	Channel 5	04/08/2019	Scheduling	1
Summer Body: The Big Fat Lies About Diet and Exercise	Channel 5	11/08/2019	Materially misleading	3
The Gypsies Next Door	Channel 5	22/08/2019	Generally accepted standards	1
Yum Yum! Britain's Favourite Chocolates	Channel 5	28/07/2019	Gender discrimination/offence	1
Gavin and Stacey	Dave	25/08/2019	Offensive language	1
Hollyoaks	E4	09/08/2019	Race discrimination/offence	1
Hollyoaks	E4	13/08/2019	Generally accepted standards	1
Hollyoaks	E4	19/08/2019	Materially misleading	1
IT: Chapter Two (trailer)	E4	15/08/2019	Generally accepted standards	1
UFO	Forces TV	17/06/2019	Advertising content	1
Heart Breakfast	Heart	05/08/2019	Generally accepted standards	1
The Bad Skin Clinic (trailer)	Home	16/08/2019	Scheduling	1
Coronation Street	ITV	05/08/2019	Product placement	1
Coronation Street	ITV	12/08/2019	Generally accepted standards	1
Coronation Street	ITV	19/08/2019	Generally accepted standards	3
Emmerdale	ITV	13/08/2019	Crime and disorder	1
Good Morning Britain	ITV	19/07/2019	Sexual material	19
Good Morning Britain	ITV	08/08/2019	Animal welfare	1
Good Morning Britain	ITV	08/08/2019	Generally accepted standards	4
ITV News	ITV	12/08/2019	Due impartiality/bias	1
ITV News	ITV	17/08/2019	Generally accepted standards	1
Loose Women	ITV	09/08/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Vera	ITV	18/08/2019	Sexual orientation discrimination/offence	1
United Utilities' sponsorship of Granada Weather	ITV Granada	30/07/2019	Sponsorship credits	1
BGT: Top 10 Astonishing Acts	ITV2	18/08/2019	Crime and disorder	1
You've Been Framed!	ITV2	07/08/2019	Transgender discrimination/offence	1
You've Been Framed! Gold	ITV2	01/08/2019	Disability discrimination/offence	1
Dallas Cowboy Cheerleaders	ITVBe	02/08/2019	Generally accepted standards	1
Gemma Collins: Diva Forever	ITVBe	14/08/2019	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	17/07/2019	Transgender discrimination/offence	1
Shelagh Fogarty	LBC 97.3 FM	14/08/2019	Gender discrimination/offence	1
Tom Swarbrick	LBC 97.3 FM	12/08/2019	Gender discrimination/offence	1
Morning show	Lyca Dil Se	12/08/2019	Due impartiality/bias	1
The Bank of Magic competition	Magic Radio	26/07/2019	Competitions	1
The Charlotte Show	MTV	06/08/2019	Advertising minutage	1
Henry Danger	Nickelodeon	05/08/2019	Scheduling	1
House	Paramount	13/08/2019	Generally accepted standards	1
Dr Zakir Naik	Peace TV	22/08/2019	Hatred and abuse	1
Air Ambulance	Pick	13/07/2019	Violence	1
FantomWorks	Quest	11/08/2019	Offensive language	1
The Bad Skin Clinic (trailer)	Quest Red	20/08/2019	Scheduling	1
Lecture by Dr Musharraf Hussain Al Azhari OBE	Radio Dawn (Nottingham)	12/05/2019	Generally accepted standards	1
All Out Politics	Sky News	18/07/2019	Due impartiality/bias	1
Press Review	Sky News	18/08/2019	Due impartiality/bias	1
Sky News	Sky News	07/08/2019	Due accuracy	1
Sky News	Sky News	07/08/2019	Due impartiality/bias	1
Sky News	Sky News	10/08/2019	Due impartiality/bias	3
Sky News	Sky News	16/08/2019	Violence	6
Succession (trailer)	Sky News	03/08/2019	Offensive language	1
Sunrise	Sky News	06/08/2019	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Sky Sports News	Sky Sports News	06/08/2019	Materially misleading	1
Caught On Dashcam	Sky Witness	08/08/2019	Violence	1
Early Morning Breakfast Show, Drive-time and Teatime Shows	Smooth Radio	28/07/2019	Competitions	1
Jamie Jones Day Show	Studio 66 TV	21/07/2019	Participation TV – Offence	1
Jamie Jones Day Show	Studio 66 TV	16/08/2019	Participation TV – Offence	1
Studio 66	Studio 66 TV	30/07/2019	Participation TV – Offence	1
Studio 66	Studio 66 TV	12/08/2019	Participation TV – Offence	1
Studio 66	Studio 66 TV	15/08/2019	Participation TV – Offence	1
Studio 66 Days	Studio 66 TV	11/08/2019	Participation TV – Offence	1
ScotPulse advertisement	STV	13/08/2019	Political advertising	1
The Mentalist	Your TV	15/07/2019	Offensive language	1

How Ofcom assesses complaints about content standards on television and radio programmes

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	05/12/2018	Generally accepted standards	1
Question Time	BBC 1	Various	Due impartiality/bias	1
Programming	BBC 1 Scotland	Various	Other	1
Man Like Mobeen	BBC iPlayer	16/02/2019	Race discrimination/offence	1

How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS

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 19 August and 1 September 2019 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
Awaaz FM Community Radio CIC	Awaaz FM Southampton	Key Commitments	1
Paramount UK Partnership	Paramount Network	Television Access Services	1
Secklow Sounds CIC	Secklow Sounds	Key Commitments	2
Secklow Sounds CIC	Secklow Sounds	Other	2

How Ofcom assesses complaints about broadcast licences

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
Smallville	5Star	23/08/2019	Outside of remit	1
Babestation	Babestation	17/07/2017	Outside of remit	1
Programming	Babestation	13/08/2019	Outside of remit	1
Sports coverage	BBC 1 / BBC 2	Various	Outside of remit	1
Advertisement	Channel 4	27/08/2019	Advertising content	1
Great British Bake Off	Channel 4	27/08/2019	Outside of remit	1
The British Tribe Next Door (pre tx)	Channel 4	n/a	Outside of remit	1
Train Your Baby Like a Dog (pre tx)	Channel 4	20/08/2019	Outside of remit	22
Advertisement	Channel 5	04/08/2019	Advertising content	1
News	Channel 5 Pakistan	20/08/2019	Outside of remit	2
Advertisement	ITV3	02/08/2019	Advertising content	1

[More information about what Ofcom's rules 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
Programming	BBC	n/a	Generally accepted standards	1
Programming	BBC	Various	Generally accepted standards	1
A Matter of Life and Debt	BBC 1	27/08/2019	Offensive language	1
BBC Breakfast	BBC 1	25/07/2019	Due impartiality/bias	1
BBC Breakfast	BBC 1	20/08/2019	Due accuracy	1
BBC Breakfast	BBC 1	27/08/2019	Due impartiality/bias	1
BBC News	BBC 1	19/08/2019	Due impartiality/bias	2
BBC News	BBC 1	21/08/2019	Materially misleading	1
Match of the Day	BBC 1	21/08/2019	Generally accepted standards	1
BBC News	BBC 1 / BBC News Channel	14/07/2019	Due impartiality/bias	1
BBC News	BBC 2	16/08/2019	Violence	1
Newsnight	BBC 2	03/06/2019	Due accuracy	1
Love and Drugs on the Street: Girls Sleeping Rough	BBC 3	16/06/2018	Drugs, smoking, solvents or alcohol	1
Programming	BBC channels	01/08/2019	Other	1
Afternoon Live	BBC News Channel	21/08/2019	Due impartiality/bias	1
BBC News	BBC News Channel	15/08/2019	Violence	1
BBC News	BBC News Channel	16/08/2019	Generally accepted standards	1
BBC News	BBC News Channel	28/08/2019	Due impartiality/bias	1
BBC News, Victoria Live, Newsroom Live, Afternoon Live	BBC News Channel	28/08/2019	Due impartiality/bias	1
Newswatch	BBC News Channel	Various	Due impartiality/bias	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
The Zoe Ball Breakfast Show	BBC Radio 2	13/08/2019	Materially misleading	1
Today	BBC Radio 4	13/04/2019	Due impartiality/bias	1
Today	BBC Radio 4	12/08/2019	Materially misleading	1
The Conversation: Do small loans really work for women?	BBC World Service	01/07/2019	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 19 August and 1 September 2019.

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

Programme	Service	Transmission date
Planet Rock Afternoons	Planet Rock	12/07/2019
Katha Guru Nanak Parkash	Sangat	03/05/2019
Dr Anand	Spice FM	29/07/2019

[How Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes](#)

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

Programme	Service	Transmission date
999: What's Your Emergency	Channel 4	24/06/2019

[How Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes](#)

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

Licensee	Licensed Service
Harbour Radio CIC	Harbour Radio

[How Ofcom assesses complaints and conducts investigations about broadcast licences](#)