

OFCOM BROADCAST AND ON DEMAND BULLETIN

Issue number 389
21 October 2019



Contents

Introduction	4
 Notice of Sanction	
Peter Popoff Ministries <i>BEN TV, 28 January 2019, 22:00</i>	6
 Broadcast Standards cases	
In Breach	
Live: Shootout Pool <i>FreeSports, 16 February 2019, 19:30</i>	7
Nawab Ghar <i>PTV Global, 29 March 2018, 18:25</i>	10
 Resolved	
Planet Rock Afternoons <i>Planet Rock, 12 July 19, 15:00</i>	15
 Broadcast Licence Conditions cases	
In Breach	
Non-provision of service <i>Betar Bangla Ltd, 28 July 2019 to present</i>	17
Providing a service in accordance with 'Key Commitments' <i>Siren FM, University of Lincoln, 16 July 2019</i>	19
Providing a service in accordance with 'Key Commitments' <i>Harbour Radio, 2, 3 and 4 July 2019</i>	21
Providing a service in accordance with 'Key Commitments' <i>Castledown Radio, Castledown FM Ltd, 10 and 11 June 2019</i>	23
Retention and production of recordings <i>Harbour Radio CIC</i>	25
Broadcast licensees' late payment of licence fees <i>Various licensees</i>	27

Tables of cases

Investigations Not in Breach	29
Complaints assessed, not investigated	30
Complaints outside of remit	41
BBC First	43
Investigations List	45

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 Sanction

Peter Popoff Ministries

BEN TV, 28 January 2019, 22:00

Introduction

BEN TV is a general entertainment channel which is available on satellite subscription services and online. The licence for BEN TV is held by Greener Technology Limited.

The sanction related to *Peter Popoff Ministries*, a programme broadcast on BEN TV on 28 January 2018. The programme contained frequent invitations for viewers to order “free miracle spring water” and a number of testimonies from individuals who claimed, or strongly implied, using the water had cured serious illnesses, including cancer.

As set out in Ofcom's Decision published on 3 December 2018 in issue 367 of the [Broadcast and On Demand Bulletin](#), Ofcom considered that the claims made in the programme had the potential to cause harm to members of the audience who may have been led to believe that the “miracle spring water” alone was sufficient to cure their health conditions and that it was unnecessary to rely on, or continue receiving, conventional medical treatment.

Ofcom concluded that Greener Technologies Limited did not take steps to provide adequate protection for such viewers and there was a material risk that susceptible members of the audience may have been improperly exploited by the programme. Ofcom also concluded that the programme promoted a product – the “miracle spring water” in breach of the Broadcasting Code.

Rule 2.1: “Generally accepted standards must be applied to the contents of television and radio services...to provide adequate protection for members of the public from the inclusion...of harmful and/or offensive material”.

Rule 4.6: “Religious programmes must not improperly exploit any susceptibilities of the audience”.

Rule 9.4: “Products, services and trade marks must not be promoted in programming”.

In accordance with Ofcom's penalty guidelines, Ofcom decided that it was appropriate and proportionate in the circumstances to impose a financial penalty of £25,000 on the Licensee in respect of these serious Code breaches (payable to HM Paymaster General). In addition, Greener Technology Limited is directed to not repeat the programme and broadcast a statement of Ofcom's findings in this case, on dates and in a form to be determined by Ofcom.

The full [sanction decision](#) was published on 15 October 2019.

Broadcast Standards cases

In Breach

Live: Shootout Pool

FreeSports, 16 February 2019, 19:30

Introduction

FreeSports is a channel that provides free-to-air sports programming and its licence is held by Freesports Limited ("Freesports" or "the Licensee"). *Live: Shootout Pool* was a pool tournament broadcast from a location in Milton Keynes ("Milton Keynes Sports Bar").

Ofcom received a complaint about offensive language being used on several occasions by spectators at the tournament during the live four-hour broadcast. The spectators were audible throughout with some using the words "fuck" and "fucking" at least five times before the watershed.

Following a clearly audible shout of "fucking hell" from a spectator, at 20:35 the match commentator said:

"The atmosphere very very lively inside the Milton Keynes Sports Bar, so apologies if you have picked anything...more colourful than you would anticipate. It is live TV unfortunately, but we do apologise if any offence is caused".

Ofcom considered the broadcast raised issues under the following Code rules:

- Rule 1.14: "The most offensive language must not be broadcast before the watershed..." and
- Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... Such material may include, but is not limited to, offensive language... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

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

Response

The Licensee said it "fully acknowledged" there were "limited instances" of offensive language being discernible during this broadcast, saying that the language in question "was part of the background mix". It explained that the crowd noise was included in the broadcast to "represent the atmosphere in the venue" and said the "primary and significantly louder part of the mix was the live commentary of the matches". It also added that children were not the intended target audience for the programme.

Freesports also acknowledged that it was recently found in breach of the Code under very similar circumstances¹. The Licensee expressed "sincere regret" that offensive language was included in this live event, referencing the apology that was broadcast during the programme. The licensee added it believed the production company involved with this broadcast did "not comply with the instructions from us... to take further steps to minimise the disruptive and offensive language that may come from the audience during such events".

Freesports told Ofcom it had taken further steps to try to minimise a recurrence, by asking the event organisers to warn spectators against the use of offensive language and to eject anyone using such language. The Licensee added it had also issued a final warning to the event organisers that if they cannot control the live audience at the venue, it will cease broadcast of this event.

Decision

Reflecting our duties under the Communications Act 2003 ([section 319](#)), Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied to provide adequate protection for members of the public from the inclusion of harmful or offensive material.

Ofcom takes 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. In carrying out its duties, Ofcom has taken account of these rights when considering the Licensee's compliance with the Code.

Rule 1.14

Rule 1.14 requires that the most offensive language must not be broadcast before the watershed.

[Ofcom's 2016 research on offensive language](#) clearly indicates that the word "fuck" and variations of it are considered by audiences to be among the most offensive language.

We acknowledged that *Shootout Pool* was a live sporting event which not targeted at children. Nevertheless, the repeated uses of the words "fuck" and "fucking" were clear examples of the most offensive language being broadcast before the watershed.

Ofcom therefore considered the broadcast was in breach of Rule 1.14.

Rule 2.3

Under Rule 2.3 of the Code, and as set out above, material which has the potential to offend may be broadcast, as long as its inclusion in a programme is justified by the context. The Code makes clear that context includes such factors as: the editorial content of the programme; the degree of offence likely to be caused by the material; the service on which the content was broadcast; the time of broadcast; and the likely expectations of the audience.

¹ [Issue 378 of Ofcom's Broadcast and On Demand Bulletin](#) published on 13 May 2019

We first assessed whether the material had the potential to cause offence.

As set out above, Ofcom's research indicates that viewers consider the language used in this programme to be among the most offensive. As numerous examples of offensive language could be heard, it was clear to Ofcom that this broadcast had the potential to cause offence.

Ofcom then considered whether the offence was justified by the context.

We took into account that the offensive language came from members of the audience during a live broadcast and accepted that "the primary and significantly louder part of the mix was the live commentary of the matches". We also took into account that the commentator broadcast an apology following the broadcast of a clear instance of the most offensive language.

However, in this instance we considered the repeated use of the strongest examples of offensive language on a free-to-air channel was likely to have exceeded audience expectations.

It was therefore Ofcom's view that the likely offence was not justified by the context, in breach of Rule 2.3.

We considered the Licensee's apology and the steps it said it has taken to improve compliance in this area. However, in its representations Freesports pointed to the failures of the hosting venue to ensure compliance, as well as the production company, stating that it "asked the organisers to warn before going on air against the use of bad language". While we appreciate that third parties are often used by broadcasters to facilitate productions (such as providing a suitable location to accommodate a sports tournament), it is the responsibility of the broadcaster, not third parties to ensure compliance under the Code. We remind Freesports Limited that, under Ofcom licences, they are solely responsible for the content broadcast on its service.

We were further concerned that this represented the fourth breach of the Code by Freesports Limited this year for the broadcast of offensive language. This latest breach follows a similar breach that was published in May in [Issue 378 of Ofcom's Broadcast and On Demand Bulletin](#). We remain concerned about Freesports Limited's compliance procedures and are therefore requesting that the Licensee attends a meeting at Ofcom to discuss its approach to compliance.

Breaches of Rules 1.14 and 2.3

In Breach

Nawab Ghar

PTV Global, 29 March 2019, 18:25

Introduction

Nawab Ghar is a situation comedy series on PTV Global which is available on satellite in the UK. PTV Global is an Urdu language general entertainment channel aimed at a Pakistani audience. The licence for this service is held by Pakistan Television Corporation Limited ("Pakistan Television" or "the Licensee").

The title of this comedy programme translates to *The Lord's House*, the central character is called Nawab, which translates to "Lord". This programme included members of Nawab's family hoping to secure a partner for marriage. Chris Fail, who is presented as a distant relative, visited Nawab's home with his niece in order to arrange her marriage. During the visit to Nawab's home, Chris Fail falls in love with Guddo, Nawab's sister-in-law.

Ofcom received a complaint about racially offensive references in the above programme. The complainant felt that the programme was racially offensive due to the use of "blackface"¹.

Ofcom translated the programme from Urdu to English and gave the Licensee an opportunity to comment on the accuracy of the translation. The Licensee did not raise any issues and we therefore used this translation for the purposes of this investigation.

In this programme, Chris Fail was described as a visitor *"from Africa"*. Chris Fail was portrayed as having dark skin (which appeared to have been achieved with dark make-up) and long grey curly hair (a wig) under a black headscarf. In the programme he sang and danced when he started conversations with other characters. Drumming was played in the background when he danced and chanted to what appeared to be tribal beats on two occasions. The programme included the following:

[the character Chris Fail enters while singing]

Brother: *"Sister, a monster has entered our house"*

Chris Fail: *"Oh, I'm not a monster, I'm Chris Fail"*

[Chris Fail enters while singing]

Chris Fail: *"Hello everybody"*.

¹ "Blackface" is make-up used by someone who is not black to appear black. The wearing of "blackface" was prominent in entertainment through the early 19th to the mid-20th centuries. It is generally considered highly offensive in modern society.

Nawab: *"I think the lights just went out"*

Chris Fail: *"Not a problem if the lights have gone. Everything shines when I'm around"*

Nawab: *"Who are you and how did you suddenly, without notice, get into my room?"*

Chris Fail: *"I am Chris Fail from Africa".*

Chris Fail: *"I will take you to Africa, it will be so much fun. I will make you walk with the elephants in the jungles of South Africa. It will be so much fun. We will wake up in the morning and get you to mix the fodder. You will go crazy at how much love I will show you. I will give you all my money and property. Please don't say no. I love you a lot. [sings]
It is my destiny to meet someone so sweet and innocent as you,
Otherwise, I'd have been allotted someone who was black and a habshan²
Tell me you love me right here
I won't let you go anywhere
Say, "yes" please. Say, "Yeah, yeah" x2
It is my destiny to meet someone so sweet and innocent as you"*

Guddo: *"Nawab"*

Chris Fail: *"Otherwise, I'd have been allotted someone who was black and a habshan"*

Guddo: *"Nawab"*

Nawab: *"What is happening here?"*

Chris Fail: [singing and dancing]

Nawab: *"Hey, have you gone mad or what?"*

Chris Fail: *"I am proposing to her".*

Nawab: *"Do you have no shame? You old sugar-cane³".*

We considered that above content raised potential issues under Rule 2.3 of the Code which states:

Rule 2.3: *"broadcasters must ensure that material which may cause offence is justified by the context...Such material may include...offensive language...discriminatory treatment or language (for example on the grounds of...race...). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".*

Ofcom requested comments from the Licensee about how the content complied with this rule.

² An offensive word used to refer to black-African people. We understand that this is a disparaging and derogatory term.

³ The phrase is being used with reference to the character Chris Fail. When a sugarcane ages, it darkens.

Response

The Licensee told Ofcom that *Nawab Ghar* is a comedy series that frequently uses satire. It said that this programme was “based on light comedy” and that there was no intent to “target any race or nation”. PTV Global said that the series *Nawab Ghar* has range of different “fictitious stock characters and guests”.

It said it had taken “serious notice” of the complaint and as a result of the incident had “immediately stopped further airing of the said series”.

PTV Global apologised for any offence caused and said that it would be “more scrupulous” in future.

Decision

Reflecting our duties under the Communications Act 2003, Section Two of the Code requires that generally accepted standards are applied to provide adequate protection for members of the public from the inclusion of offensive and harmful material in programmes.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights, when considering a broadcaster's compliance with Section Two of the Code.

In reaching its Decision, Ofcom has also had due regard⁴ in the exercise of its functions to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between those who share a relevant protected characteristic, such as race, and those who do not.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context includes for example: the editorial content of the programme, the service on which it is broadcast, the time of broadcast and the likely size and composition of the potential audience and the likely expectation of the audience.

We first considered whether the racial references in this programme had the potential to cause offence.

As referenced in a footnote in the introduction, we understood the word “habshan” to be an offensive word used in Urdu language to refer to black-African people. [Ofcom's 2016 research on offensive language](#) does not include the Urdu word “habshan”, however, it does state that “racist terms were the most unacceptable”. We took into account the understood power dynamics between Afro-Pakistanis and wider Pakistani society when considering the potential offence associated with the word. We understood that historically ‘Habshi’ (the male equivalent of ‘habshan’) has been used to signify a position of power. India has seen black-African kings who went by the title of ‘Habshi’ ([Africans in India: From slaves to reformers and rulers](#)). However, in the Indian subcontinent the word has also been used in a derogatory sense to describe Sheedis⁵ and subcontinental people of African origin ([When I found out my favorite Pakistani dessert had a racist name, I lost my appetite; Esha Gupta: Has Instagram exposed everyday racism in India?](#)). Our understanding is therefore that “habshan” is not used in the context of black-African royalty in modern society and is now

⁴ Under section 149 of the Equality Act 2010.

⁵ The Sheedi are a black-African community in Pakistan.

more commonly used in a derogatory and disparaging way. Ofcom's [Guidance on Section Two](#) of the Code states that "racist terms and material should be avoided" and we considered that, for the reasons stated above, the word "habshan" had the potential to be interpreted as a racist term. We therefore considered that the use of this word had the potential to cause offence.

Ofcom considered the phrase in which the word "*habshan*" was used also had the potential to cause offence. Chris Fail sang: "*otherwise, I'd have been allotted someone who was black and a habshan*". In this instance, Chris Fail expresses that he would not want to marry someone who was "*black and a habshan*". Ofcom considered this to be a disparaging comment about black people.

The programme additionally included multiple derogatory references to Chris Fail's appearance. For example:

- "*Sister, a monster has entered our house*";
- "*I think the lights just went out*"; and,
- "*...You old sugar-cane*⁶".

Ofcom considered Chris Fail's appearance and, specifically, the fact that he appeared to have deliberately darker skin than the other characters. We considered the wider context of colourism⁷ in the Indian subcontinent and the historical attitudes held there regarding people with darker skin tones. We also considered the cultural context of the use of "blackface". As outlined in the introduction, the use of "blackface" is generally considered highly offensive in modern society and we considered that the inclusion of a character in "blackface" had a high potential for offence.

We also considered that the more general portrayal of Chris Fail was based on a stereotypical view of a black-African person. The factors that contributed to this included:

- the dark make-up apparently applied to his skin;
- the significance of his name, which we understood to be a play-on-words of the West Indian cricketer Chris Gayle;
- the tribal-style drumming played in the background when he sang and danced; and,
- the way he chanted and shouted over the tribal-style drumming.

We considered that the audience was likely to understand the link between Chris Fail and the cricketer Chris Gayle due to the popularity of cricket in Pakistan. This play-on-words combined with the name "Fail" had the potential to be understood as a derogatory reference that conflated the name of a highly successful black cricketer with a parody of a black person. We considered that this, combined with the above factors, further heightened the potential for offence in the programme.

⁶ The phrase is being used with reference to the character Chris Fail. As sugarcane ages it darkens.

⁷ Colourism is usually understood as the discrimination of people based on their skin colour.

We then considered whether the offence was justified by the context. As set out above, context is assessed by reference to a range of factors including factors such as the editorial content of the programme, the service on which the content was broadcast, the time of broadcast, the likely expectations of the audience, and any warning given to the audience.

Ofcom took into account the Licensee's argument that *Nawab Ghar* is a comedy series that frequently uses satire. We acknowledged that the Licensee said the programme had a range of "fictitious" characters and guests and considered that audience members may be familiar with a variety of different characters from different backgrounds on the programme. We also acknowledged the Licensee's response that there was no intent for the programme to "target any race or nation".

However, we considered that the fact that the programme was a situation comedy with a range of "fictitious" characters and guests from different backgrounds did not, in itself, provide sufficient editorial justification for a stereotype of this nature to be used. Ofcom's [Guidance on Section Two](#) of the Code includes information for broadcasters about content of this nature. It states that "Broadcasters should take particular care in their portrayal of culturally diverse matters and should avoid stereotyping unless editorially justified". We considered that the way Chris Fail's character had been broadcast as a clearly stereotypically black-African person did not reflect the care that broadcasters should take in portraying culturally diverse people and was not editorially justified. We also considered that the likely audience of the channel, which is aimed at Pakistani people, some of whom would be living in the UK, would not have expected this portrayal.

We took into account the steps the Licensee said it had taken following notification of the complaint from Ofcom. We acknowledged that it said it would be "more scrupulous" in future and had stopped airing the series *Nawab Ghar*.

However, for the reasons above, Ofcom's Decision is that this potentially offensive material was not justified by the context and was therefore a breach of Rule 2.3.

Breach of Rule 2.3

Resolved

Planet Rock Afternoons

Planet Rock, 12 July 2019, 15:00

Introduction

Planet Rock is an adult-orientated rock music station playing a mix of classic and modern rock. The licence for this service is held by Bauer Media ("Bauer" or "the Licensee").

Ofcom received a complaint that over the beginning of a song the presenter could be overheard saying "...*what the fuck is he doing?*"

Ofcom requested the Licensee's comments under the following Code rules:

Rule 1.14: "The most offensive language must not be broadcast...when children are particularly likely to be listening..."

Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context..."

Response

Bauer explained that the programme is usually pre-recorded, but was broadcast live. It said that the offensive language was broadcast accidentally when the presenter thought he was off-air.

The Licensee said that it immediately issued an on-air apology and the presenter was reminded of the Code and station rules. Bauer said that both it and the presenter apologised and assured Ofcom that this was an out of character mistake by an experienced presenter. Bauer added that it was giving further training to all presenters and producers following the incident.

Decision

[Ofcom's research on offensive language](#) makes clear that the word "fuck" is considered by audiences to be among the most offensive language.

Reflecting our duties under the Communications Act, Rule 1.14 prohibits the broadcast of the most offensive language when children are particularly likely to be listening. [Ofcom's guidance on offensive language on radio](#) states that this includes 15:00 to 19:00, Monday to Friday during school term time. In this case the most offensive language was broadcast at 15:00 on a Friday.

Rule 2.3 requires that the broadcast of potentially offensive material is justified by the context. Context includes the service on which it is broadcast, the time of broadcast and likely audience expectations. In our view, the majority of listeners to this station at this time of day were unlikely to have expected to hear the most offensive language.

Ofcom took into account that the language had been broadcast live in error, the on-air apology, and the steps taken by the Licensee to prevent recurrence. Ofcom's Decision therefore is that this matter be resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Non-provision of service

Betar Bangla Ltd, 28 July 2019 to present

Introduction

Betar Bangla Ltd ("Betar Bangla" or "the Licensee") holds the analogue Community Radio licence for the service Betar Bangla, broadcasting to East London.

Betar Bangla contacted Ofcom in August 2019 and set out that the station had not been broadcasting since 28 July 2019 and that the Licensee was, therefore, not delivering these services in accordance with the published [Key Commitments for the service](#).

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to the licence. These state, respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period". (Section 106(2) of the Broadcasting Act 1990); and

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

We requested comments from the Licensee on how it was complying with these conditions.

Response

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

Decision

Provision by a licensee of its licensed service on the frequency assigned to it is the fundamental purpose for which a community radio licence is granted. Ofcom has a range of duties in relation to radio broadcasting, including securing a range and diversity of local radio services which are calculated to appeal to a variety of tastes and interests, and the optimal use of the radio spectrum. This is reflected in the licence conditions requiring the provision of the specified licensed service. Where a service is not being provided in accordance with the licence, choice for listeners is likely to be reduced. In the case of a service being off air, the listener is clearly not served at all.

In this case, Betar Bangla failed to provide the service for which it is licensed from 28 July 2019, and was still not providing it when Ofcom monitored the frequency between 2 and 9 September 2019.

Ofcom's final Decision is therefore that Betar Bangla continues to be in breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule.

As Ofcom considers this to be a serious and continuing licence breach, Ofcom is putting the Licensee on notice that this contravention of its licence will be considered for the imposition of a statutory sanction.

Breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Betar Bangla Ltd (licence number CR000222).

In Breach

Providing a service in accordance with 'Key Commitments' *Siren FM, University of Lincoln, 16 July 2019*

Introduction

Siren FM is a community radio station for students, young people, schools and community groups in Lincoln. The licence is held by the University of Lincoln ("the Licensee"). Like other community radio stations, Siren FM is required to deliver 'Key Commitments', which form part of its licence.¹ These set out how the station will service its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint that Siren FM was not broadcasting the service described in its Key Commitments. In particular, that there was a "lack of programming" on the service and that the Licensee was failing to deliver its programming requirements relating to original output. We therefore requested a programme schedule for the week 15 to 21 July 2019, alongside recordings of Siren FM's output from 16, 17 and 20 July 2019. Having listened to the recordings and assessed the programme schedule, it appeared that Siren FM was not delivering the following of its Key Commitments:

"The service provides original output for a minimum of nine hours per day during term/semester time and six hours per day at other times".

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to the University of Lincoln's licence. These state, respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period". (Section 106(2) of the Broadcasting Act 1990); and

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

Ofcom requested comments from the Licensee on how it was complying with these conditions.

Response

The Licensee submitted to Ofcom that there are "struggles" of running a radio station within a university environment and that the station operates with a smaller workforce outside of term time, meaning "it is much lighter touch than the academic year period from September to May".

The Licensee recognised that it had not met its Key Commitment to deliver six hours of original output per day on one of the days monitored, but highlighted that "across the weeks we often exceed the minimum hourly requirement". It said it has now commissioned a series

¹ Siren FM's Key Commitments are contained in an [annex to its licence](#).

of programmes to ensure the minimum requirement for original output is met outside of term time.

The Licensee also noted that the station usually broadcasts a daily show between 07:00 and 08:00, but stated that this was unable to go ahead on two of the days monitored due to volunteer absences. The station submitted that it asks all presenters to provide a "backup, generic use any time programme" to cover any absence, but said it was not possible in this case due to the nature of the scheduled programme.

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments. This is a fundamental purpose for which a community radio licence is granted.

From the recordings and programme schedule, it was clear that the University of Lincoln had not met its Key Commitment for original output on 16 July 2019. The service is required, outside of term/semester time, to broadcast a minimum of six hours of original output per day, however, we found that on 16 July 2019 it had only broadcast four.

Ofcom acknowledged that the University of Lincoln had exceeded its minimum requirement for original output on the other days monitored, and we also noted that the Licensee had broadcast content which met the requirements of the rest of its Key Commitments over the course of the three days in question. The Licensee submitted to Ofcom that it had not met its original output requirements on 16 July due to a presenter being on annual leave. However, we expect Licensees to have contingency plans in place to ensure that they are able to meet their Key Commitments, even in event of presenter absences.

Ofcom's Decision is therefore that the University of Lincoln is in breach of Licence Conditions 2(1) and 2(4).

Breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by the University of Lincoln (licence number CR000088).

In Breach

Providing a service in accordance with 'Key Commitments' *Harbour Radio, 2, 3 and 4 July 2019*

Introduction

Harbour Radio is a community radio station licensed to provide a service for the community of Great Yarmouth and surrounding areas. The licence is held by Harbour Radio CIC ("Harbour Radio" or "the Licensee").

Like other community radio stations, Harbour Radio is required to deliver its service in accordance with [the 'Key Commitments' which form part of its licence](#). These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint that Harbour Radio was not broadcasting the service described in its Key Commitments. In particular, that it was not delivering its programming requirements relating to the provision of original output¹.

We therefore requested from Harbour Radio programme schedules for the week 1 to 7 July 2019 alongside recordings of the service's output from 2, 3 and 4 July 2019.

Having listened to the recordings and assessed the programme schedules, it appeared that Harbour Radio was not delivering the following of its Key Commitments:

"The service provides original output for a minimum of 12 hours per day."

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Harbour Radio's licence. These state, respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period". (Section 106(2) of the Broadcasting Act 1990); and

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

We requested comments on how it was complying with these Conditions.

Response

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

¹ Original output is content which is first produced for, and transmitted by, the station and excludes output that was transmitted elsewhere before. Original output can be live, pre-recorded or voice-tracked. Repeat broadcasts of original output and continuous music with no speech content other than advertisements, station idents and/or outsourced news bulletins (i.e. news bulletins produced by a third party) does not meet Ofcom's definition of original output.

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments. This is a fundamental purpose for which a community radio licence is granted.

On 2, 3 and 4 July 2019, the service broadcast ten, eight and eight hours of original output respectively. It was therefore clear that, during the period monitored, the Licensee did not deliver the minimum amount of 12 hours of original output per day required by its Key Commitments.

We are putting the Licensee on notice that Ofcom will monitor this service again to check its compliance with these Conditions.

We remind all community radio licensees of the importance of ensuring that they are practically able to deliver their Key Commitments, and that if they are unable to they should contact Ofcom to request a change to them.

Breaches of Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Harbour Radio CIC (licence number CR100787).

In Breach

Providing a service in accordance with 'Key Commitments' *Castledown Radio, Castledown FM Ltd, 10 and 11 June 2019*

Introduction

Castledown Radio is a community radio station licensed to provide a service for the Tidworth and Ludgershall area. The licence is held by Castledown FM Ltd ("Castledown FM" or "the Licensee").

Like other community radio stations, Castledown FM is required to deliver '[Key Commitments](#)', which form part of its licence. These set how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint that Castledown Radio was not broadcasting the service described in its Key Commitments, in particular, that the output consisted largely of automated music with very little speech content.

We therefore requested that Castledown FM provide recordings of the content broadcast on the service on 10, 11 and 12 June 2019, alongside a full programme schedule for the week of 10 to 16 June 2019.

Having assessed the recordings and associated programme schedule, it appeared that Castledown FM did not deliver the following Key Commitments:

"The service provides original output¹ for a minimum of six hours per day".

Ofcom considered this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Castledown FM's licence. These state respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period" (Section 106(2) of the Broadcasting Act 1990); and

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

We requested comments from the Licensee on how it was complying with these conditions

Response

The Licensee explained that it was unable to fulfil its daily quota of original output on 10 and 11 June 2019 because of "unexpected short-term staff absences", but that it had since

¹ Original output is content which is first produced for, and transmitted by, the station and excludes output that was transmitted elsewhere before. Original output can be live, pre-recorded or voice-tracked. Repeat broadcasts of original output and continuous music with no speech content other than advertisements, station idents and/or outsourced news bulletins (i.e. news bulletins produced by a third party) does not meet Ofcom's definition of original output.

recruited a station administrator to help organise cover in such circumstances, should they occur again. Furthermore, in order to make its broadcast schedule “more reliable” and achieve its minimum requirement to provide six hours of original output per day, the installation of new software would enable it to broadcast more voice tracked material.

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licences require the provision of the specified licensed service in accordance with the Key Commitments. This is the fundamental purpose for which a community radio licence is granted.

We noted from the recordings and the programme schedule provided by the Licensee that on 12 June 2019, the three hour breakfast show scheduled for broadcast was instead replaced with automated music. Nevertheless, the service did fulfil its minimum requirement of six hours of original output on that particular day. However, we found that the service had broadcast only five hours of original output on 10 and 11 June 2019 respectively.

We acknowledged the Licensee's explanation for this, and the changes it said it planned to make to ensure its future compliance. However, as acknowledged by the Licensee in its correspondence with Ofcom, Castledown FM failed to meet the requirement to broadcast original output for a minimum of six hours per day on 10 and 11 June 2019.

Ofcom's Decision is therefore that Castledown Radio breached Licence Conditions 2(1) and 2(4).

Breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Castledown FM Ltd (licence number CR000093).

In Breach

Retention and production of recordings *Harbour Radio CIC*

Introduction

Harbour Radio is a community radio station which provides a service for people in Great Yarmouth and surrounding areas in the borough. The licence is held by Harbour Radio CIC ("Harbour Radio" or "the Licensee").

Ofcom received a complaint about the broadcast of inappropriate content on 3 August 2019, at a time when children were likely to be listening. Ofcom therefore requested recordings of the programmes from the Licensee to assess the content.

The Licensee informed Ofcom that it was not able to provide the requested recordings because they had experienced a 'system failure' and were unaware that this had had an impact on their recording systems. Ofcom considered that the Licensee's inability to provide the recordings raised potential issues under Licence Conditions 8(2)(a) and (b) of its licence, which state:

"8(2) ...the Licensee shall:

- (a) make and retain, for a period of 42 days from the date of its inclusion, a recording of every programme included in the Licensed Service... at the request of Ofcom forthwith produce to Ofcom any...recording for examination or reproduction
- (b) at the request of Ofcom forthwith produce to Ofcom any...recording for examination or reproduction..."

Ofcom requested comments from the Licensee in relation to its compliance with these conditions.

Response

The Licensee said that it was unable to provide the requested recordings to Ofcom because of a "system failure". It explained that on the date in question there had been a power cut in the area which had caused the recording system to "shut down momentarily". When the power was restored the system "rebooted" itself and continued to run. However, it did not start automatically recording the output after the reboot as it was programmed to do.

It said that its technical team became aware of the error that same evening while attempting to store and transfer the recorded contents to the archive system. Once the error was realised, the team took immediate action to address the issue. It conducted an investigation, diagnosed the system and adjusted the programming of the recording system to prevent similar situations occurring in future.

The Licensee said it had also since strengthened its monitoring team which monitors all technical factors of the service to ensure it complies with the conditions of its licence. It

explained that the service has since had a sustainable recording system put in place to ensure it complies with the conditions of the licence.

Decision

In each broadcaster's licence, there are conditions requiring the licensee to retain recordings for a specific number of days after broadcast, and to comply with any request by Ofcom to produce recordings of programmes as broadcast. For community radio licences, this is reflected in Licence Conditions 8(2)(a) and (b).

Breaches of Licence Conditions 8(2)(a) and (b) are significant because they impede Ofcom's ability to assess whether a particular broadcast raises potential issues under the relevant codes. This affects Ofcom's ability to carry out its statutory duties in regulating broadcast content.

We acknowledged the Licensees' explanation that its recording system had failed to record the services output as a result of a technical failure which was caused by a power cut in the local area on 3 August 2019. However, we also noted that the Licensee failed to notify Ofcom of the technical issues it was experiencing at the time.

The failure by the Licensee to record and provide the material prevented us from assessing it. Therefore, Ofcom's Decision is that the Licensee is in breach of Licence Conditions 8(2)(a) and (b).

Additionally, we are putting the Licensee on notice that Ofcom will monitor this service again to check its compliance with these Conditions.

Breach of Licence Conditions 8(2)(a) and (b) to the community radio licence held by Harbour Radio CIC (licence number CR100787BA).

In Breach

Broadcast licensees' late 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](#). Detail on the fees and charges payable by licensees is set out in [Ofcom's Tariff Tables](#).

The payment of a licence fee and payment made on time is a requirement of a broadcasting licence¹.

- 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 licensees failed to pay their annual licence fees by the required payment date. These licensees have therefore breached Condition 3(2) of their licences.

Licensee	Service Name	Licence Number
An Individual	London Deniz Radio	DP102382BA
Down Community Radio Limited	Down FM	CR000047BA
Festiva Ltd	88.3 Centreforce	DP102442BA
Meridian FM Radio	Meridian FM	CR000206BA
Premier Christian Communications Ltd	Premier Christian Radio, Premier Praise	DN000010BA
RadioReverb Limited	Radio Reverb	CR000057BA
Radio Asian Fever CIC	Fever	DP102051BA
Royal National Institute of Blind People (RNIB)	RNIB Connect Radio	CR000017BA
	Insight Radio	DN100344BA
The Panjabi Centre	Desi Radio	RLCS000142BA
Timeless Radio Ltd	Timeless Radio	DP101892BA

¹ As set out in Licence Condition 3 for radio licensees and Licence Condition 4 for television licensees.

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

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 30 September and 13 October 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
Disclosure: The Dark Side of Dairy	BBC 1 Scotland	10/09/2018	Materially Misleading

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

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

Licensee	Licensed Service	Categories
Communities Together	Radio Sangam	Other
Radio Ikhlas Limited	Radio Ikhlas	Other

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

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 30 September and 13 October 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
Come Dine With Me	4Seven	15/08/2019	Gender discrimination/offence	1
Jeremy Vine	5 Select	25/09/2019	Generally accepted standards	1
Jesse Stone: No Remorse	5 USA	28/09/2019	Violence	1
Impact Wrestling	5Star	20/09/2019	Violence	1
Competition	Absolute Radio	23/08/2019	Competitions	1
Al Jazeera	Al Jazeera	19/09/2019	Due accuracy	1
Al Jazeera	Al Jazeera	22/09/2019	Due accuracy	1
The Post Train	Baby TV	06/10/2019	Sexual material	1
Weekend with Pop	Cannock Chase Radio FM	06/09/2019	Generally accepted standards	1
Donal MacIntyre: Unsolved	CBS Drama	07/09/2019	Scheduling	1
8 Out of 10 Cats	Channel 4	25/09/2019	Race discrimination/offence	1
8 Out of 10 Cats	Channel 4	03/10/2019	Race discrimination/offence	1
Adventures in Wonderland	Channel 4	26/09/2019	Generally accepted standards	1
Britain at Low Tide	Channel 4	28/09/2019	Generally accepted standards	1
Channel 4 News	Channel 4	12/09/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	19/09/2019	Generally accepted standards	1
Channel 4 News	Channel 4	23/09/2019	Age discrimination/offence	10
Channel 4 News	Channel 4	26/09/2019	Due impartiality/bias	2
Channel ident	Channel 4	26/09/2019	Generally accepted standards	1
Channel ident	Channel 4	30/09/2019	Crime and disorder	1
Complaints Welcome campaign	Channel 4	30/09/2019	Generally accepted standards	1
Generation Porn	Channel 4	24/07/2019	Religious/Beliefs discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Gogglebox	Channel 4	13/09/2019	Crime and disorder	1
Gogglebox	Channel 4	13/09/2019	Generally accepted standards	1
Gogglebox	Channel 4	20/09/2019	Gender discrimination/offence	2
Gogglebox	Channel 4	20/09/2019	Offensive language	1
Gogglebox	Channel 4	20/09/2019	Race discrimination/offence	1
Gogglebox	Channel 4	27/09/2019	Due impartiality/bias	1
Gogglebox	Channel 4	27/09/2019	Generally accepted standards	5
Gogglebox	Channel 4	27/09/2019	Race discrimination/offence	3
Gogglebox	Channel 4	29/09/2019	Due impartiality/bias	1
Gogglebox	Channel 4	04/10/2019	Gender discrimination/offence	1
Gogglebox	Channel 4	04/10/2019	Generally accepted standards	2
Gogglebox	Channel 4	04/10/2019	Offensive language	1
Naked Attraction	Channel 4	28/08/2019	Religious/Beliefs discrimination/offence	1
Public service announcement	Channel 4	28/08/2019	Political advertising	1
Snackmasters	Channel 4	01/10/2019	Generally accepted standards	1
Snackmasters	Channel 4	02/10/2019	Materially misleading	1
The Circle	Channel 4	24/09/2019	Generally accepted standards	2
The Circle	Channel 4	25/09/2019	Due impartiality/bias	1
The Circle	Channel 4	26/09/2019	Generally accepted standards	1
The Circle	Channel 4	02/10/2019	Generally accepted standards	2
The Circle	Channel 4	02/10/2019	Race discrimination/offence	1
The Great British Bake Off	Channel 4	10/09/2019	Offensive language	1
The Great British Bake Off	Channel 4	10/09/2019	Race discrimination/offence	1
The Great British Bake Off	Channel 4	08/10/2019	Generally accepted standards	1
The Great British Bake Off: An Extra Slice	Channel 4	04/10/2019	Generally accepted standards	6
The Rob Rinder Verdict	Channel 4	06/09/2019	Religious/Beliefs discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Rob Rinder Verdict	Channel 4	20/09/2019	Due impartiality/bias	1
The Rob Rinder Verdict	Channel 4	20/09/2019	Generally accepted standards	1
The Rob Rinder Verdict	Channel 4	20/09/2019	Race discrimination/offence	1
Treasure Island with Bear Grylls	Channel 4	29/09/2019	Animal welfare	1
Treasure Island with Bear Grylls	Channel 4	29/09/2019	Offensive language	1
Celebrity 5 Go Camping	Channel 5	29/09/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	29/08/2019	Due impartiality/bias	3
Jeremy Vine	Channel 5	20/09/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	25/09/2019	Materially misleading	6
Jeremy Vine	Channel 5	26/09/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	27/09/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	30/09/2019	Materially misleading	1
Jeremy Vine	Channel 5	03/10/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	09/10/2019	Gender discrimination/offence	1
Live Debate: Are Our Politicians Up To The Job?	Channel 5	02/09/2019	Generally accepted standards	1
Most Shocking Moments in Pop 2	Channel 5	22/09/2019	Gender discrimination/offence	1
The Missing Evidence	Channel 5	11/09/2019	Generally accepted standards	2
The Rubbish World of Dave Spud	CITV	01/10/2019	Generally accepted standards	1
Public service announcement	Classic FM	27/09/2019	Political advertising	1
Public service announcement	Classic FM	30/09/2019	Political advertising	1
Have I Got a Bit More News for You	Dave	29/09/2019	Race discrimination/offence	1
Reds All Over	Dearne FM	20/09/2019	Generally accepted standards	1
Naked and Afraid	DMAX	22/09/2019	Nudity	1
Naked and Afraid	DMAX	24/09/2019	Nudity	1
Naked and Afraid	DMAX	26/09/2019	Nudity	1
Poor Tom is Cold (trailer)	Drama	24/09/2019	Scheduling	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Dam Busters	Film4	05/10/2019	Race discrimination/offence	1
Drop the Boss	Free Radio	24/09/2019	Generally accepted standards	1
Afternoon Show	Gaydio	11/09/2019	Commercial communications on radio	1
Jo & Sparky	Gem 106	01/10/2019	Offensive language	1
Zoe Hardman Breakfast Show	Heart FM	29/09/2019	Generally accepted standards	1
Programming	Iqra TV	03/10/2019	Generally accepted standards	1
5 Gold Rings	ITV	29/09/2019	Generally accepted standards	1
999: Britain from Above	ITV	30/09/2019	Materially misleading	1
A Confession	ITV	30/09/2019	Materially misleading	1
Brexit public service announcement	ITV	06/10/2019	Political advertising	1
Britain's Got Talent: The Champions	ITV	28/09/2019	Crime and disorder	1
Britain's Got Talent: The Champions	ITV	28/09/2019	Race discrimination/offence	16
Britain's Got Talent: The Champions	ITV	28/09/2019	Sexual material	2
Britain's Got Talent: The Champions	ITV	28/09/2019	Violence	2
Britain's Got Talent: The Champions	ITV	29/09/2019	Offensive language	1
Britain's Got Talent: The Champions	ITV	05/10/2019	Animal welfare	1
Britain's Got Talent: The Champions	ITV	05/10/2019	Generally accepted standards	3
Britain's Got Talent: The Champions	ITV	05/10/2019	Product placement	1
Britain's Got Talent: The Champions	ITV	05/10/2019	Race discrimination/offence	31
Catchphrase	ITV	31/08/2019	Sexual orientation discrimination/offence	1
Coronation Street	ITV	23/09/2019	Violence	30
Coronation Street	ITV	25/09/2019	Violence	1
Coronation Street	ITV	27/09/2019	Generally accepted standards	1
Coronation Street	ITV	30/09/2019	Generally accepted standards	2
Coronation Street	ITV	30/09/2019	Offensive language	3

Programme	Service	Transmission Date	Categories	Number of complaints
Coronation Street	ITV	30/09/2019	Violence	2
Coronation Street	ITV	02/10/2019	Generally accepted standards	4
Coronation Street	ITV	02/10/2019	Information/Warnings	1
Doc Martin	ITV	25/09/2019	Materially misleading	1
Doc Martin	ITV	02/10/2019	Dangerous behaviour	1
Emmerdale	ITV	25/09/2019	Scheduling	1
Emmerdale	ITV	26/09/2019	Drugs, smoking, solvents or alcohol	1
Emmerdale	ITV	01/10/2019	Materially misleading	1
Emmerdale	ITV	02/10/2019	Materially misleading	1
Emmerdale	ITV	03/10/2019	Sexual material	1
Emmerdale	ITV	07/10/2019	Materially misleading	1
Good Morning Britain	ITV	23/09/2019	Transgender discrimination/offence	2
Good Morning Britain	ITV	25/09/2019	Due accuracy	1
Good Morning Britain	ITV	25/09/2019	Due impartiality/bias	1
Good Morning Britain	ITV	26/09/2019	Due impartiality/bias	2
Good Morning Britain	ITV	30/09/2019	Violence	1
Good Morning Britain	ITV	01/10/2019	Due impartiality/bias	7
Good Morning Britain	ITV	01/10/2019	Generally accepted standards	4
Good Morning Britain	ITV	03/10/2019	Due impartiality/bias	1
Good Morning Britain	ITV	07/10/2019	Competitions	1
Good Morning Britain	ITV	07/10/2019	Generally accepted standards	6
Good Morning Britain	ITV	07/10/2019	Sexual orientation discrimination/offence	1
Heathrow: Britain's Busiest Airport	ITV	02/10/2019	Generally accepted standards	1
Hyundai's sponsorship of drama on ITV	ITV	07/10/2019	Sponsorship	1
International Football Live: England v Bulgaria	ITV	07/09/2019	Generally accepted standards	1
ITV News	ITV	03/09/2019	Due impartiality/bias	1
ITV News	ITV	24/09/2019	Due accuracy	1
ITV News	ITV	25/09/2019	Due impartiality/bias	1
ITV News	ITV	29/09/2019	Due impartiality/bias	1
ITV News	ITV	01/10/2019	Due impartiality/bias	9
ITV News	ITV	01/10/2019	Violence	1
Loose Women	ITV	07/10/2019	Gender discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Lorraine	ITV	03/10/2019	Gender discrimination/offence	1
Love Your Garden	ITV	01/10/2019	Generally accepted standards	1
Party Political Broadcast by the Brexit Party	ITV	26/09/2019	Generally accepted standards	1
Party Political Broadcast by the Conservative Party	ITV	02/10/2019	Materially misleading	1
Party Political Broadcast by the Labour Party	ITV	26/09/2019	Materially misleading	1
Public service announcement	ITV	27/09/2019	Political advertising	1
Public service announcement	ITV	28/09/2019	Political advertising	2
Public service announcement	ITV	03/10/2019	Political advertising	2
Rugby World Cup	ITV	21/09/2019	Offensive language	1
Sanditon	ITV	15/09/2019	Disability discrimination/offence	1
Tenable	ITV	19/09/2019	Materially misleading	1
The Jonathan Ross Show	ITV	21/09/2019	Gender discrimination/offence	2
This Morning	ITV	24/09/2019	Generally accepted standards	1
This Morning	ITV	01/10/2019	Due impartiality/bias	1
This Morning	ITV	01/10/2019	Generally accepted standards	1
This Morning	ITV	01/10/2019	Materially misleading	1
Tonight - Cheap Clothing: The Real Cost?	ITV	19/09/2019	Generally accepted standards	1
You've Been Framed	ITV	28/09/2019	Sexual material	1
You've Been Framed	ITV	05/10/2019	Sexual material	1
ITV News London	ITV London	30/09/2019	Due impartiality/bias	1
ITV News West Country	ITV West Country	30/09/2019	Due impartiality/bias	1
ITV News Calendar	ITV Yorkshire	29/08/2019	Due impartiality/bias	1
Coronation Street	ITV2	29/09/2019	Violence	1
Tour of Britain	ITV4	14/09/2019	Advertising placement	1
Sam and Billie: The Mummy Diaries	ITVBe	25/09/2019	Generally accepted standards	1
The Only Way is Essex	ITVBe	15/09/2019	Generally accepted standards	33

Programme	Service	Transmission Date	Categories	Number of complaints
The Only Way is Essex	ITVBe	22/09/2019	Generally accepted standards	10
The Only Way is Essex	ITVBe	29/09/2019	Generally accepted standards	42
Programming	Jack FM	02/08/2019	Offensive language	1
Darren Adam	LBC 97.3 FM	20/08/2019	Generally accepted standards	1
Eddie Mair	LBC 97.3 FM	05/09/2019	Due impartiality/bias	1
Eddie Mair	LBC 97.3 FM	24/09/2019	Generally accepted standards	1
Eddie Mair	LBC 97.3 FM	26/09/2019	Generally accepted standards	3
James O'Brien	LBC 97.3 FM	18/09/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	26/09/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	26/09/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	27/09/2019	Generally accepted standards	1
Matt Stadlen	LBC 97.3 FM	31/08/2019	Materially misleading	1
Matt Stadlen	LBC 97.3 FM	22/09/2019	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	02/09/2019	Generally accepted standards	2
Nigel Farage	LBC 97.3 FM	18/09/2019	Due impartiality/bias	1
Public service announcement	LBC 97.3 FM	02/10/2019	Political advertising	1
Public service announcement	LBC 97.3 FM	07/10/2019	Political advertising	1
Dance Moms (trailer)	Lifetime	30/09/2019	Violence	1
Lincs FM Breakfast Show	Lincs FM	23/09/2019	Generally accepted standards	1
Mellow Magic Breakfast	Mellow Magic	30/09/2019	Generally accepted standards	1
Four in a Bed	More4	14/08/2019	Sexual orientation discrimination/offence	1
Grand Designs	More4	08/10/2019	Offensive language	1
Teen Mom UK	MTV	21/08/2019	Materially misleading	1
Teen Mom UK	MTV	04/09/2019	Generally accepted standards	1
News	n/a	30/09/2019	Due impartiality/bias	1
Programming	n/a	n/a	Race discrimination/offence	1
Fantom Works	Quest	20/09/2019	Offensive language	1
News	Republic Bharat	12/08/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Ukraine on Fire	RT	06/10/2019	Due impartiality/bias	1
Euphoria	Sky Atlantic	20/08/2019	Sexual material	1
All Out Politics	Sky News	26/09/2019	Due impartiality/bias	4
All Out Politics	Sky News	26/09/2019	Due impartiality/bias	1
All Out Politics	Sky News	27/09/2019	Due impartiality/bias	1
All Out Politics	Sky News	27/09/2019	Offensive language	1
Hotspots	Sky News	27/09/2019	Race discrimination/offence	1
Kay Burley	Sky News	25/09/2019	Due impartiality/bias	2
Kay Burley	Sky News	25/09/2019	Generally accepted standards	2
Kay Burley	Sky News	30/09/2019	Due impartiality/bias	11
Kay Burley	Sky News	01/10/2019	Generally accepted standards	11
Kay Burley	Sky News	03/10/2019	Due impartiality/bias	2
Press Review	Sky News	06/09/2019	Due impartiality/bias	1
Press Review	Sky News	28/09/2019	Due impartiality/bias	1
Public service announcement	Sky News	30/09/2019	Political advertising	1
Sky News	Sky News	29/08/2019	Due impartiality/bias	1
Sky News	Sky News	07/09/2019	Due impartiality/bias	1
Sky News	Sky News	21/09/2019	Generally accepted standards	1
Sky News	Sky News	25/09/2019	Due impartiality/bias	3
Sky News	Sky News	26/09/2019	Due impartiality/bias	1
Sky News	Sky News	27/09/2019	Due accuracy	1
Sky News	Sky News	27/09/2019	Due impartiality/bias	3
Sky News	Sky News	27/09/2019	Generally accepted standards	1
Sky News	Sky News	28/09/2019	Due impartiality/bias	1
Sky News	Sky News	29/09/2019	Due impartiality/bias	4
Sky News	Sky News	30/09/2019	Due impartiality/bias	1
Sky News	Sky News	01/10/2019	Due impartiality/bias	1
Sky News	Sky News	05/10/2019	Due impartiality/bias	1
Sunrise	Sky News	06/09/2019	Due impartiality/bias	1
Sunrise	Sky News	22/09/2019	Due impartiality/bias	1
Live EFL Cup: MK Dons v Liverpool	Sky Sports Football	25/09/2019	Race discrimination/offence	3
Sky Sports News	Sky Sports News	02/10/2019	Generally accepted standards	1
Brassic	Sky1	08/10/2019	Generally accepted standards	1
Caught on Dash Cam	Sky1	20/09/2019	Under 18s in programmes	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Blacklist	Sky1	11/09/2019	Generally accepted standards	1
The Jane Austen Book Club	Sony Movie Channel	05/09/2019	Sexual material	1
Phil Mack Country Show	Spotlight TV	18/08/2019	Advertising/editorial distinction	1
Studio 66	Studio 66 TV	05/09/2019	Participation TV - Offence	2
Studio 66	Studio 66 TV	07/09/2019	Participation TV - Offence	1
Studio 66	Studio 66 TV	26/09/2019	Participation TV - Offence	1
Studio 66	Studio 66 TV	30/09/2019	Participation TV - Offence	1
Studio 66	Studio 66 TV	01/10/2019	Participation TV - Offence	2
Studio 66	Studio 66 TV	03/10/2019	Participation TV - Offence	1
Studio 66	Studio 66 TV	04/10/2019	Participation TV - Offence	2
Studio 66	Studio 66 TV	06/10/2019	Participation TV - Offence	1
Studio 66	Studio 66 TV	07/10/2019	Participation TV - Harm	2
Julia Hartley-Brewer	Talk Radio	26/09/2019	Due impartiality/bias	1
Julia Hartley-Brewer	Talk Radio	26/09/2019	Offensive language	1
The Late Night Alternative with Iain Lee	Talk Radio	22/08/2019	Generally accepted standards	1
The Steph And Dom Show	Talk Radio	21/09/2019	Commercial communications on radio	1
Father's Doing Fine	Talking Pictures	11/09/2019	Race discrimination/offence	1
Alan Brazil Sports Breakfast	Talksport	20/09/2019	Race discrimination/offence	2
Public service announcement	UTV	30/09/2019	Political advertising	1
The Chris Evans Breakfast Show	Virgin Radio	18/09/2019	Generally accepted standards	1
War Factories	Yesterday	02/09/2019	Materially misleading	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 London News	BBC 1	22/07/2019	Due impartiality/bias	1
BBC News	BBC 1	07/05/2019	Due accuracy	1
European Election Results	BBC 1	26/05/2019	Due impartiality/bias	1
Our Next Prime Minister	BBC 1	18/06/2019	Due impartiality/bias	1
Panorama: Crisis in Care	BBC 1	05/06/2019	Due accuracy	1
BBC News	BBC 1 / BBC News Channel	26/09/2019	Due impartiality/bias	1
Politics Live	BBC 2	08/04/2019	Due impartiality/bias	1
BBC News	BBC News	30/09/2019	Outside of remit	1
In Their Element - Fluorine: Chemistry's Tiger	BBC Radio 4	03/04/2019	Materially misleading	1
PM	BBC Radio 4	20/05/2019	Generally accepted standards	1
Robbie Savage's Premier League Breakfast	BBC Radio 5 Live	20/09/2019	Generally accepted standards	1
Children of the Devolution	BBC Scotland	25/06/2019	Due impartiality/bias	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 30 September and 13 October 2019 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
Colne Radio Community Interest Company	Colne Radio	Provision of licensed service	1
Wythenshawe Community Media	Wythenshawe FM	Retention and production of recordings	1

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
Advertisement	5Star	06/10/2019	Advertising content	1
Drag Kids (pre-transmission)	5Star	17/10/2019	Outside of remit	1
Drag Kids (pre-transmission)	5Star	n/a	Outside of remit	2
Breakfast	BBC 1	01/10/2019	Race discrimination/offence	1
BBC Breakfast	BBC News Channel	17/07/2019	Outside of remit	1
Cando FM	Cando FM	30/09/2019	Outside of remit	1
Advertisement	Challenge	30/09/2019	Advertising content	1
Advertisement	Channel 4	28/09/2019	Advertising content	1
Advertisement	Channel 4	06/10/2019	Advertising content	1
Cyberbullying Documentary	Channel 4	14/03/2007	Outside of remit	1
Elephant Man	Channel 4	14/03/2007	Outside of remit	1
Paedophile Documentary	Channel 4	14/03/2007	Outside of remit	1
The Great British Bake Off	Channel 4	24/09/2019	Outside of remit	1
Advertisement	Channel 4+1	05/10/2019	Advertising content	1
Advertisement	Channel 5	24/09/2019	Advertising content	1
Naughty! The Life and Loves of Boris Johnson	Channel 5	16/07/2019	Outside of remit	1
Advertisement	Film4	24/09/2019	Advertising content	1
Advertisement	Forth 1 Radio	30/09/2019	Advertising content	1
Gems TV	Gems TV	29/09/2019	Teleshopping	1
Heart Breakfast	Heart FM	10/10/2019	Outside of remit	1
Advertisement	ITV	28/09/2019	Advertising content	2
Advertisement	ITV	30/09/2019	Advertising content	1
Advertisement	ITV	02/10/2019	Advertising content	2
Advertisement	ITV	09/10/2019	Advertising content	1
Advertisements	ITV	06/10/2019	Advertising content	1
Britain's Got Talent: The Champions	ITV	28/09/2019	Outside of remit	1
Britain's Got Talent: The Champions	ITV	05/10/2019	Outside of remit	4
Advertisement	ITV / Channel 4	07/10/2019	Advertising content	1
Advertisements	More4	02/10/2019	Advertising content	1

Programme	Service	Transmission Date	Categories	Number of complaints
All About Us: Living and Growing	n/a	24/07/2009	Protection of under 18s	1
Programming	NOW TV	12/09/2019	Non-editorial	1
Strawberry Radio	Shout Media and Events Limited	n/a	Other	1
Advertisement	Sky Cinema	03/10/2019	Advertising content	1
Sky News	Sky News	01/10/2019	Outside of remit	1
Sunrise	Sky News	30/09/2019	Outside of remit	1
Sky News	Sky News website	27/09/2019	Generally accepted standards	1
Advertisements	Sky Sports Main Event	06/10/2019	Advertising content	1
Live Premier League: Everton v Manchester City	Sky Sports Main Event	28/09/2019	Outside of remit	7
Advertisement	Sony TV Max	27/09/2019	Advertising content	1
Studio 66	Studio 66 TV	06/10/2019	Outside of remit	1
Lara Croft Tomb Raider	Syfy	28/09/2019	Outside of remit	1
Max Rushden and Andy Jacobs	Talksport	03/10/2019	Outside of remit	1
Gary Lineker	Twitter	05/10/2019	Outside of remit	1
Aston Villa v West Ham	Viasat Sport (Sweden)	16/09/2019	Outside of remit	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	05/10/2019	Due impartiality/bias	1
BBC News	BBC 1	21/07/2019	Due impartiality/bias	1
BBC News	BBC 1	01/10/2019	Due impartiality/bias	2
BBC News and political shows	BBC 1	28/11/2018	Due impartiality/bias	1
Breakfast	BBC 1	07/07/2019	Materially misleading	1
Breakfast	BBC 1	18/07/2019	Generally accepted standards	1
Breakfast	BBC 1	07/10/2019	Due impartiality/bias	4
Country File	BBC 1	29/09/2019	Due impartiality/bias	1
EastEnders	BBC 1	03/10/2019	Suicide and self harm	2
Panorama: Is Labour Anti-Semitic?	BBC 1	10/07/2019	Due impartiality/bias	1
Peaky Blinders	BBC 1	22/09/2019	Generally accepted standards	1
Question Time	BBC 1	10/10/2019	Crime and disorder	7
Strictly Come Dancing	BBC 1	28/09/2019	Gender discrimination/offence	1
The Andrew Marr Show	BBC 1	29/09/2019	Due impartiality/bias	5
The Met: Policing London	BBC 1	10/10/2019	Race discrimination/offence	1
World on Fire	BBC 1	05/10/2019	Sexual material	1
BBC Wales News	BBC 1 Wales	03/10/2019	Due accuracy	1
Newsnight	BBC 2	06/08/2019	Due impartiality/bias	1
Newsnight	BBC 2	25/09/2019	Due impartiality/bias	1
Politics Live	BBC 2	27/09/2019	Crime and disorder	8
Question Time	BBC 2	08/09/2019	Due impartiality/bias	1
Seahorse: The Dad Who Gave Birth	BBC 2	10/09/2019	Generally accepted standards	1
The Mash Report	BBC 2	10/10/2019	Due impartiality/bias	1
Victoria Derbyshire	BBC 2	01/10/2019	Due accuracy	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
BBC News	BBC channels	27/09/2019	Generally accepted standards	1
BBC News	BBC channels	01/10/2019	Due impartiality/bias	1
BBC News	BBC channels	n/a	Due impartiality/bias	1
Undercover With The Clerics: Iraq's Secret Sex Trade	BBC iPlayer	03/10/2019	Generally accepted standards	1
BBC News	BBC News	n/a	Due impartiality/bias	1
BBC News	BBC News Channel	04/09/2019	Due impartiality/bias	1
BBC News	BBC News website	07/10/2019	Outside of remit	1
Wednesday in Parliament	BBC Parliament / BBC iPlayer	25/09/2019	Due impartiality/bias	1
Maya Jama Greatest Hits	BBC Radio 1	27/09/2019	Generally accepted standards	1
Graham Norton	BBC Radio 2	28/09/2019	Offensive language	1
Programming	BBC Radio 4	11/04/2017	Generally accepted standards	1
The World at One	BBC Radio 4	30/09/2019	Due impartiality/bias	1
Today	BBC Radio 4	05/10/2019	Due impartiality/bias	1
Today	BBC Radio 4	05/10/2019	Race discrimination/offence	1
Question Time	BBC Radio 5 Live	15/11/2018	Due impartiality/bias	1
Programming	BBC Radio Humberside	11/10/2017	Outside of remit	1
Programming	BBC Radio Kent	n/a	Generally accepted standards	1
Dragons' Den	BBC 1	18/08/2019	Promotion of products/services	1
What Britain Buys and Sells in a Day	BBC 2	07/10/2019	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 30 September and 13 October 2019.

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

Programme	Service	Transmission date
Nigel Tant: Matthew Gordon Price	Exmouth Air	01/10/2019
Programming	Secklow Sounds	09/07/2019 24/07/2019
High Definition	Sine FM	18/09/2019
Ashes Cricket	Sky Sports Ashes	14/09/2019
Live Vitality T20 Blast Cricket	Sky Sports Main Event	04/09/2019
The Ashes	Sky Sports Main Event	24/08/2019
Paul Ellery in the Morning	Sunshine Radio	16/09/2019

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