

SECTION D

Annexes



A1. Section 400 Accounts

Under Section 400 of the Communications Act 2003, Ofcom is required to collect fees and payments including licence fees under the Wireless Telegraphy Act (WTA). These receipts do not form part of Ofcom's reported revenue and are excluded from revenue in Ofcom's Financial Statements.

The Digital Economy Act 2017 introduced legislative amendments which permit Ofcom to retain sums received in connection with its functions under the WTA to fund its general spectrum management functions, as well to meet the costs of undertaking its other functions for which it cannot levy fees and charges.

The remaining revenue collected is passed to the UK Consolidated Fund at HM Treasury, the Department of Finance - Northern Ireland, Treasuries of the Isle of Man, the Bailiwick of Jersey and the Bailiwick of Guernsey directly or via the Department for Digital, Culture, Media, and Sport (DCMS) as Ofcom's sponsoring body.

In 2020/21 Ofcom received £415.5m (2019/20: £373m). The increase is primarily due to higher annual licence fees paid by mobile operators for the public wireless networks. From these receipts, £63.8m (2019/20: £56.8m) was retained to fund Ofcom's applicable expenditure which includes Spectrum Management and our new Video Sharing Platform duties.

Ofcom paid £328m (2019/20: £313m) relating to, WTA licence fees, spectrum fees from Government departments and the interest earned on cash balances to DCMS, payable to the Consolidated funds. A balance of £13.8m received in 2020/21 was transferred to the exchequer in April 2021.

The 700 MHz and 3.6-3.8 GHz frequency bands were awarded by auction which commenced on 22 March 2021. As of 31 March 2021, deposit of £2,692.2m was held in Ofcom accounts. £1,379.4m was transferred to Government once WTA licences were issued, and any excess deposits were returned to bidders, once the auction concluded on 27 April 2021.

Additionally, Ofcom directly passed £20.6m (2019/20: £11m) to the Consolidated Funds relating to receipts arising from additional payments, financial penalties and geographic telephone number charges.

A2. Regulatory Statements

List of statements published in 2020/21, including regulatory impact on stakeholders

A	Statement: Proposed amendments to the Broadcasting Code and the Code on the Scheduling of Television Advertising
A	Statement: Protecting participants in TV and radio programmes
A	Statement: Proposed changes to broadcast licence conditions
A	Statement: Licensing small-scale DAB – how Ofcom will exercise its new functions
B	Statement: Sam FM (Bristol) – Request to change Format
B	Statement: Imagine Radio – request to create a new approved area
B	Statement: Review of competition rules in the EPG Code
B	Statement and Consultation: Listed Events – Rugby League Challenge Cup Finals 2020 & 2021
B	Statement: Bauer Radio stations in the south and west of England
B	Statement: Bauer Radio stations in the north of England
B	Statement: Love Sport (North London) – Request to change Format
B	Statement: BBC Children’s news and first-run UK originated programmes
B	Statement: Bauer Radio stations in the west of England
B	Statement: Bauer Radio stations in the south of England
B	Statement: Secklow Sounds (Milton Keynes) – Request to change Key Commitments
B	Statement: South West England (Bauer) approved area - request to add Plymouth licence
B	Statement: Absolute Radio (London) – request to change format

Post

A	Review of regulatory financial reporting for Royal Mail - Phase II
C	Recovering postal regulation and consumer advocacy costs

Key to Regulatory Statements

Increased/new regulation	A	Streamlined/co-regulatory	C
Mixed/no-change/ongoing	B	Reduced regulation	D

List of statements published in 2020/21, including regulatory impact on stakeholders

Spectrum

A	Statement: Measures to require compliance with international guidelines for limiting exposure to electromagnetic fields (EMF)
B	Statement: Short-range devices and railway level crossing radar sensor systems
B	Statement: Supporting innovation in the 100-200 GHz range
B	Statement: Decision to make the Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2020
B	Statement: Improving spectrum access for wifi – spectrum use in the 5 and 6 GHz bands
B	Statement on the final regulations for the award of spectrum in the 700 MHz and 3.6-3.8 GHz frequency bands
B	Statement: Decision to make the Wireless Telegraphy (Licence Charges) Regulations 2020

Telecoms

A	Statement: Compensating providers delivering universal services
A	Statement and consultation: Implementation of the new European Electronic Communications Code
A	Statement: Implementation of the new European Electronic Communications Code
B	Statement: Consent for KCOM to defer its 2019/20 and 2020/21 Regulatory Financial Statements
B	Treating vulnerable customers fairly: A guide for phone, broadband and pay-TV providers
B	Statement: Promoting investment and competition in fibre networks – Wholesale Fixed Telecoms Market Review 2021-26
B	Statement: Protecting voice-only landline customers
C	Statement: Digital Comparison Tools – changes to Ofcom's voluntary accreditation scheme
D	Statement: Consent to waiver of notification periods for changes to Openreach network access charges, terms and conditions

Key to Regulatory Statements

Increased/new regulation	A	Streamlined/co-regulatory	C
Mixed/no-change/ongoing	B	Reduced regulation	D

Ofcom statements published in 2020/21 where the earlier consultation included an impact assessment

Short-range devices and railway level crossing radar sensor systems
Final direction applying Code powers to CloudHQ Didcot Fibre GP Ltd
Compensating providers delivering universal services
Licensing small-scale DAB – how Ofcom will exercise its new functions
Final direction applying Code powers to Orbital Net Limited
Implementation of the new European Electronic Communications Code
Final direction applying Code powers to MGMT Ltd
Measures to require compliance with international guidelines for limiting exposure to electromagnetic fields
Supporting innovation in the 100-200 GHz range
Proposed amendments to the Broadcasting Code and the Code on the Scheduling of Television Advertising
Protecting participants in TV and radio programmes
Implementation of the new European Electronic Communications Code
Review of competition rules in the EPG Code
Decision to grant an exception to Royal Mail's universal service obligations
Final direction applying Code powers to Broadband Networks Limited
BBC Children's news and first-run UK originated programmes
Final direction applying Code powers to Westnetworks Innovations Limited
Improving spectrum access for wifi – spectrum use in the 5 and 6 GHz bands
Secklow Sounds (Milton Keynes) – Request to change Key Commitments
Modifications of the USP Access Condition for regulating access to Royal Mail's postal network
Final direction applying Code powers to Secure Web Services Limited
Review of Ofcom's Code on Television Access Services and Guidance on BBC Accessibility
Treating vulnerable customers fairly: A guide for phone, broadband and pay-TV providers
Final direction applying Code powers to Liberty Charge Limited
Final direction applying Code powers to Obelisk Networks (UK) Limited
Final direction applying Code powers to NATS (Services) Limited
Final direction applying Code powers to Redshelf Ltd
Final direction applying Code powers to M 12 Solutions Limited
Final direction applying Code powers to Nynet Limited
Final direction applying Code powers to Delambre Infrastructure Ltd
Final direction applying Code powers to Wildanet Limited
Final direction applying Code powers to Simply Fibre Limited
Final direction applying Code powers to Wessex Internet Limited

Final direction applying Digital Infrastructure Ltd

Final direction applying Code powers to Yesfibre Limited

Final direction applying Code powers to Commsworld Limited

Final direction applying Code powers to Factco Ltd

Final direction applying Code powers to 5ibre Limited

Final direction applying Code powers to Neutralone Limited

Final direction applying Code powers to Connexin Limited

Final direction applying Code powers to Vispa Limited

Final direction applying Code powers to Net Support UK Limited

Promoting investment and competition in fibre networks –
Wholesale Fixed Telecoms Market Review 2021-26

Protecting voice-only landline customers

Wholesale Voice Markets Review 2021–26

Ofcom consultations published in 2020/21 which included an impact assessment and where no final statement had been published by 31 March 2021

Proposal to apply Code powers to Fibre Me Limited

Proposal to apply Code powers to Exponential-e Limited

Supporting the UK's wireless future – Our spectrum management strategy for the 2020s

BBC Studios' lines of business

Openreach quality of service – changes to proposals made as part of the Wholesale Fixed Telecoms Market Review

Notice of Ofcom's changes to licence exemption for Wireless Telegraphy Devices and consultation on licensing equipment in 57 to 71 GHz

Promoting competition in fibre networks – Hull Area Wholesale Fixed Telecoms Market Review 2021-26

Copper retirement – conditions under which copper regulation could be completely withdrawn in ultrafast exchanges

Making on-demand services accessible

Proposal to apply Code powers to CK Hutchison Networks (UK) Limited

Quick, easy and reliable switching

Guidance for video-sharing platform providers on measures to protect users from harmful material

A3. Investigations Programme

Ofcom's investigations programme deals with complaints about anti-competitive behaviour, breaches of certain regulatory rules and regulatory disputes. The following table shows Ofcom's activities in conducting initial assessments and investigations during 2019/20. This reflects the picture as at 31 March 2021.

More details of individual cases being investigated under the investigations programme are set out in Ofcom's Competition and Enforcement Bulletin available at:

<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/competition-bulletins>

The data in the table below relates to initial assessment.

	Total handled	Total accepted for investigation	Total not accepted	Ongoing activity (as at 31/3/2021)
Disputes	0	0	0	0
Comp. law	1	0	1	0
Complaints	13	0	11	2
Own-initiative	4	3	1	0

The following table relates to formally opened cases:

	Total handled	Total opened	Total ongoing	Total closed	Ongoing activity (as at 31/3/2021)
Disputes	0	0	0	0	0
Competition Law	2	0	2	1	1
Other investigations	11	3	8	5	6
Enforcement programmes	2	0	2	0	2

A4. Broadcasting Complaints, Cases and Sanctions

Standards and Audience Protection

In 2020/21, the UK has experienced momentous change with ongoing debates around social and cultural issues at the forefront of audiences' concerns. During this period, we prioritised protecting audiences from harmful content through our enforcement of the [Broadcasting Code](#).

This included imposing sanctions against licensees for broadcasting serious harmful material, such as hate speech and harmful claims related to the pandemic. These complex investigations were conducted at pace to mitigate the potential harm to audiences and many have resulted in financial penalties against licensees.

Complaints about content standards are handled under [Ofcom's Procedures for investigating breaches of content standards for television and radio](#). Complaints about BBC content standards are handled under Ofcom's [Procedures for investigating breaches of content standards on BBC broadcasting services and BBC on-demand programme services](#).

Over the last year we have seen a significant rise in complaints

In the last year Ofcom has received and assessed an unprecedentedly high number of broadcasting complaints, the highest since our inception. The vast majority of the complaints we received were about content that audiences found offensive.

Figure 1 – complaints and cases assessed by year

Type	2020/21	2019/20	2018/19	2017/18	2016/17
Complaints	142,660	34,545	55,801	15,293	15,922
Cases	11,778	7,829	6,206	5,774	5,986

In many instances we may receive more than one complaint about a particular programme or more than one issue within a programme. We assess each issue as one case, so the 142,660⁹ complaints we received in 2020/21 resulted in 11,778 cases.

Complaints continue to be important to us: they alert Ofcom to issues that would potentially need our intervention, so we carefully assess every complaint that we receive. However, a growth in the number of complaints does not necessarily lead to a corresponding increase in investigations. Ofcom continues to investigate content if it raises substantive issues under the Broadcasting Code.

Everyone has the right to freedom of expression. It is something we take account of each and every time we assess complaints about broadcast content. This right includes the right to hold opinions and to receive and impart information and ideas without unnecessary interference. It is central to our work in applying broadcast standards and when considering which programmes to investigate. At a time that we are receiving historically high levels of complaints, it is important that we also give appropriate consideration to the importance of freedom of expression in a democratic society.

9. This figure does not include Fairness and Privacy complaint or complaints we sent back to the BBC under BBC First because they had not completed the BBC's complaints process.

Ofcom aims to make an initial assessment of all complaints within 15 working days. In the period between 1 April 2020 and 31 March 2021, Ofcom assessed complaints on average within 8.1 working days.

Of these 11,778 cases, we referred 48 cases for investigation under our rules as outlined in Figure 2 below.

Figure 2: Complaint and case outcomes by key Broadcasting Code issue

Outcome	Not pursued	Out of Remit	Refer for Investigation
Volume	10,225	1,505	48

In this financial year we concluded 60 investigations¹⁰, 12 of which were initiated in the previous financial year. The outcomes of these are outlined in figure 3 below.

Figure 3: Investigation Outcomes

Outcome	In Breach	Not in Breach	Resolved ¹¹	Discontinued
Volume	29	19	9	4
%	48%	32%	13%	7%

We aim to complete those cases we take forward for investigation within 50 working days. In the period between 1 April 2020 and 31 March 2021, Ofcom completed investigations on average within 75.2 working days due to unprecedented high number of broadcasting complaints being assessed by the team.

Figure 4 below provides a breakdown by some of the key Broadcasting Code issues.

Figure 4: Complaint, case and outcomes by key Broadcasting Code issue

Type	Complaints	Cases	Investigations	Breaches
Offence	128,825	6,511	25	10
Harm	3,375	791	8	8
Due Impartiality	5,479	1,472	4	-
Other ¹²	4,981	3,004	23	11
Total	142,660	11,778	60	29

Complaints relating to offence have increased substantially over the last year, although we opened fewer investigations, as outlined in figure 5 below. In 2020/21, Ofcom assessed a total of 128,825 complaints about offensive content. A further 3,164 complaints about offensive content on the BBC were referred back to the BBC under the BBC First¹³ process.

10. An investigation may complete over more than one financial year depending on factors such as when it was launched and the complexity of the investigation.

11. A 'resolved' outcome may be used in cases, for instance, where a broadcaster has taken immediate and appropriate steps to remedy a breach. In such cases, Ofcom may consider it appropriate not to record a breach and decide that the appropriate outcome is to determine that the case is 'resolved'. A 'resolved' finding is held on record and may be taken into account should there be further compliance concerns regarding a particular broadcaster.

12. Other case type includes protection of children, commercial and advertising;

13. Ordinarily, Ofcom will only accept a complaint that has first been considered by the BBC (as set out in our BBC Procedures). The BBC considers complaints against its Editorial Guidelines, which reflect the relevant provisions of the Broadcasting Code.

Figure 5: Offence complaints by year

Type	2020/21	2019/20	2018/19	2017/18	2016/17
Complaints	128,825	25,834	48,180	9,265	9,546
Cases	6,511	4,308	3,834	3,257	2,997
Investigations	25	67	64	76	62
In breach	10	40	40	44	32

As shown in the figure above, despite the significant increase in the number of complaints received, the number of investigations relating to offence has decreased.

It is not unusual for Ofcom to receive high volumes of complaints about individual broadcasts. There has been an increase over this reporting period in the number of single broadcasts attracting large amounts of complaints. Of the total of 128,825 complaints about offensive content we received, 109,750 related to ten individual broadcasts as outlined in Figure 6 below.

Figure 6: Top 10 single transmission programme complaints in FY 2020/21

Programme	Transmission date	Description	Complaints
Good Morning Britain	08/03/2021	Comments by Piers Morgan about the Duchess of Sussex's reference to feeling suicidal.	54,453
Britain's Got Talent	05/09/2020	Objections to performance by Diversity on 5 September referencing Black Lives Matter.	25,017
I'm a Celebrity... Get Me Out of Here!	N/A	Welfare of animals used in trials on the show.	11,516
Britain's Got Talent	19/09/2020	Alesha Dixon wearing a necklace with the initials "BLM" being offensive and not suitable for a non-political show.	2,565
Britain's Got Talent	10/10/2020	Objections to Nabil Abdulrashid's performance on the grounds of finding it offensive.	2,253
Good Morning Britain	15/04/2020	Objections to Piers Morgan's manner of interviewing Helen Whateley MP.	2,017
Good Morning Britain	22/04/2020	Objections to Piers Morgan's manner of interviewing Helen Whateley MP.	1,334
Britain's Got Talent	03/10/2020	Objections to Nabil Abdulrashid's performance on the grounds of finding it offensive, and Amanda Holden's dress was too revealing, unsuitable for a family audience.	1,189
Good Morning Britain	28/04/2020	Perceived bias / bullying from Piers Morgan when interviewing Victoria Atkins, MP.	1,178
Good Morning Britain	26/11/2020	Disputed Rishi Sunak's claims that he had met with Excluded UK leaders.	1,068

In many of the cases above, we did not find the issues warranted an investigation. On some occasions, where we decided that a programme did not raise substantive issues under the Code but there was significant public attention, we published the reasons for our decision not to investigate. This included [our decision](#) not to investigate the performance by the British dance group Diversity on Britain's Got Talent in September 2020, which attracted more than 25,000 complaints.

In addition to a general increase in offence cases, we saw an increase in the number of complaints specifically about potentially racially offensive broadcast content. These public reactions are consistent with the conclusions from Ofcom's [Audience Expectations in a Digital World](#) research from April 2020, which found that societal norms have shifted in recent years and discriminatory behaviours and language are now more commonly perceived as unacceptable than was previously the case.

The main focus of our work in 2020/21 has been to protect audiences from serious harm

In our view, protecting audiences from harm is the most important area of our work and we continued to focus on this in 2020-21, prioritising the enforcement of rules relating to incitement to crime, hate speech and abusive treatment, which typically constitutes the most serious type of harm. Figure 8 below provides further details on the volumes over five years.

Figure 8: Total numbers of harm¹⁴ complaints by year

Type	2020/21	2019/20	2018/19	2017/18	2016/17
Complaints	3,375	888	613	1,995	1,303
Cases	791	227	249	292	287
Investigations	8	14	6	14	18
In breach	8	11	5	9	9

The rise in complaints and investigations shown in the table reflects a high number of complaints relating to pandemic content. Around 75% of the total harm cases we assessed in 2020/21 mentioned Coronavirus (or related terms) in the complaints. We recognise that audiences will want to receive, and broadcasters will want to broadcast, content about the pandemic, and that the communication of accurate and up-to-date information to audiences is essential. Most of these complaints did not raise issues warranting investigation under our rules. However, when they did, we expedited investigations due to the serious nature of some of the content. We recorded eight breaches of our rules in this area including on the service Loveworld which featured highly misleading statements about the pandemic without providing adequate protection to the audience.

Sanctions

Harm investigations typically lead to us considering the imposition of a statutory sanction due to the seriousness of these breaches. As explained in Figure 9 below, in 2020/21 we imposed 14 sanctions in relation to content standards, a significant increase compared to previous years, mainly driven by the six sanctions we imposed in relation to potentially harmful content relating to the Coronavirus. However, we also imposed eight other content standards sanctions which related to potential harm arising from a range of other serious breaches of the Broadcasting Code, including incitement, hate speech and due impartiality.

14. These figures include complaints which we classified under our rules referring to crime and disorder, harm, hatred and abuse

Figure 9: Sanctions imposed by year – all categories

Type	2020/21	2019/20	2018/19	2017/18	2016/17
Harmful content	10	7	3	6	3
Covid-19 misinformation	7	-	-	-	-
Total	17	7	3	6	7

The table below provides details of the statutory sanctions imposed in 2020/21

Figure 10: Details of the content standards statutory sanctions imposed in 2020/21

Licensee	Service	Sanction	Penalty ¹⁵
Uckfield Community Radio	Uckfield FM	Direction to broadcast a statement of Ofcom's findings.	N/A
ESTV Limited	London Live	Direction to broadcast a statement of Ofcom's findings.	N/A
Club TV	Peace TV Urdu	Financial penalty	£200,000
Lord Production Ltd	Peace TV	Financial penalty	£100,000
Loveworld Limited	Loveworld Television Network	Direction to broadcast a statement of Ofcom's findings.	N/A
		Direction to broadcast a statement of Ofcom's findings and not to repeat the programme.	N/A
		Financial penalty	£125,000
Panjab Radio Ltd	Panjab Radio	Financial penalty	£30,000
Khalsa Television Limited	KTV	Financial penalty and a direction to broadcast a statement of Ofcom's findings, and not to repeat the programmes.	£50,000
Islam Channel Limited	Islam Channel	Financial penalty	£20,000
Afro Caribbean Millennium Centre	New Style Radio	Direction to broadcast a statement of Ofcom's findings and not to repeat the programme.	N/A
		Financial penalty	£2,000
Ujima Radio CIC	Ujima Radio	Financial penalty	£300
Worldview Media Network Limited	Republic Bharat	Financial penalty	£20,000
Star China Media Limited	CGTN	Financial penalty	£100,000
		Financial penalty	£125,000

15. All financial penalties imposed by Ofcom are held in an account with Government Banking Services (GBS) for the benefit of the Exchequer. Funds are transferred to the HM Treasury GBS account for direct use by the Exchequer, or distributed to relevant Consolidated Funds. Ofcom neither receives financial benefits from nor makes use of any financial penalties received

Due impartiality and due accuracy of news and current affairs

We received an increasing number of complaints regarding due impartiality, due accuracy and elections. However, broadcaster compliance in this area remains high. Figure 11 below provides information for providers, other than the BBC and figure 12 provides details for BBC, since their complaints are dealt with through a different process in accordance with the BBC Royal Charter. Under the BBC First system, complainants must normally complete the BBC's own complaints process before coming to Ofcom. If they remain dissatisfied with the BBC's final response to their complaint, they can refer the matter to Ofcom. This differs from other broadcasters, where complainants can register their complaints with Ofcom directly.

Figure 11: Total numbers of due accuracy/due impartiality/election complaints by year (Non-BBC)

Type	2020/21				2019/20			
	Complaint	Case	Investigation	Breach	Complaint	Case	Investigation	Breach
Channel 4	370	176	1	-	809	221	-	-
Channel 5	57	40	-	-	72	50	-	-
ITV	4,059	668	1	-	883	302	1	1
Sky News	879	496	2	-	1,134	458	-	-
Total	5,365	1,380	4	-	2,898	1,031	1	1

Figure 12: Total numbers of due accuracy/due impartiality/election complaints by year (BBC)

Type		2020/21	2019/20	2018/19	2017/18
Complaints	Referred from BBC First	1,609	1,421	445	809
	BBC Standards	102	122	115	85
	Total	1,711	1,543	560	894
Cases	BBC First	819	811	435	586
	BBC Standards	92	100	111	84
	Total	911	911	546	670

We published a number of detailed assessments where we have set out reasons for not pursuing a particular due impartiality case. For example in March 2021, we published: our assessment decision in relation to the [BBC's coverage of the Scottish Government's pandemic briefings](#); and our assessment decision regarding [BBC 2's Newsnight programme](#) and its coverage of events involving the Chief Advisor to the Government at the time, Dominic Cummings.

We also revised our [Complaints Determinations](#) to encourage the BBC to be more transparent in its decisions on editorial complaints, particularly in relation to the publication of outcomes at stage 2 of the BBC's Complaints Framework.

BBC online material

Under the BBC's Charter and Agreement, set by Government and Parliament, the BBC is responsible for the editorial standards of its online material. Ofcom has a responsibility to consider and give an opinion on whether the BBC has observed relevant editorial guidelines in its online material. Online material means content on the BBC's website and apps, such as articles, images and videos. It does not include programmes on the BBC iPlayer which must comply with Ofcom's Broadcasting Code rules.

We handle complaints about the BBC's online material under Ofcom's [Procedures for handling complaints relating to BBC online content](#).

Between 1 April 2020 and 31 March 2021 we closed a total of 61 complaints about the BBC's online material. None of these cases were referred for an Opinion. A further 537 complaints were redirected to the BBC under the 'BBC First' approach or found to be outside of our remit.

Ofcom aims to make an initial assessment of these complaints within 15 working days. In the period between 1 April 2020 and 31 March 2021, Ofcom assessed complaints on average within 18.3 working days.

Fairness and Privacy

Ofcom also considers complaints from people who believe they were unfairly treated in a programme or consider their privacy was unwarrantably infringed. In these cases, Ofcom acts as the adjudicator between the individual and the broadcaster.

Complaints about fairness and privacy are handled under Ofcom's [Procedures for the consideration and adjudication of Fairness & Privacy complaints](#). Fairness and privacy complaints about BBC television, radio and on-demand programmes are handled under Ofcom's [Procedures for the consideration and adjudication of Fairness and Privacy complaints on BBC broadcasting services and BBC on-demand programme service](#).

In 2020/21, we received 248 Fairness and Privacy complaints (2019/20: 174). We upheld three of these relating to programmes broadcast on CGTN (and CCTV News prior to its rebranding), and two complaints relating to programmes broadcast on Abu Dhabi Media Channel.

All five of these programmes included footage of alleged forced confessions, and Ofcom found that the programmes resulted in serious unfairness to the complainants; represented a significant interference with the complainants' rights to privacy; and that the broadcast of the footage was not warranted.

We imposed a [financial penalty](#) of £100,000 against Star China Media Limited¹⁶ who held the licence for the CGTN service. We also imposed two financial penalties of £125,000 each on Abu Dhabi Media Company PJSC¹⁷ who held the licence for Abu Dhabi Channel for serious breaches of the Fairness and Privacy rules¹⁸.

16. This sanction related to the first of the three fairness and privacy breaches we recorded in 2020/21 against Star China Media Limited in relation to CGTN/CCTV News content.

17. Al-Jaidah Sanction Decision ([ofcom.org.uk](https://www.ofcom.org.uk)) and Al-Hammadi Sanction Decision ([ofcom.org.uk](https://www.ofcom.org.uk)).

18. The sanctions against Abu Dhabi Media Company PJSC, in relation to its service Abu Dhabi, were imposed during the new financial year 2021/22 and are not therefore included in the number of sanctions imposed for the financial year 2020/21.

Entertainment Decisions

Ofcom aims to assess and decide whether to entertain Fairness and Privacy complaints within 25 working days of receipt of the complaint and any further information requested from the complainant. In the period between 1 April 2020 and 31 March 2021, Ofcom assessed and decided whether to entertain Fairness and Privacy complaints on average within 14.0 working days.

Figure 13: Fairness & Privacy Adjudication outcomes

Outcome	Upheld	Partially upheld	Not upheld	Resolved	Discontinued
Volume	9	1	25	1	15
%	18%	2%	49%	2%	29%

Ofcom aims to complete the consideration and adjudication of Fairness and Privacy complaints within 90 working days of the complaint being entertained. In the period between 1 April 2020 and 31 March 2021, Ofcom completed the consideration and adjudication of Fairness and Privacy complaints on average within 117.8 working days.

The past year has seen an unprecedented high number of broadcasting complaints being assessed by our team. We have also considered and imposed a high number of sanctions. A significant number of the Fairness and Privacy cases closed this year have also involved some very complex legal and procedural issues. This has resulted in us taking longer than usual to complete our adjudications

Adjudications

If a Fairness and Privacy complaint is entertained by Ofcom, then it will investigate the matter further to decide whether a breach of the Broadcasting Code has occurred. Ofcom will then make its final adjudication. A total of 51 complaints were adjudicated upon in the period under review with the outcome outlined in figure 13 below.

Broadcast Licensing

Innovative broadcasting

Over the past year we have seen broadcasters explore new ways to reach audiences in response to the challenges thrown down by the pandemic. Local broadcasters, for example, took advantage of a new version of an existing radio licence that we introduced in April 2020. This licence was specifically designed for those wanting to provide news, information and updates about Covid-19 with their communities. Eight of these new services came on air around the UK this year.

The number of restricted service licences (RSLs) being held for drive-in events increased, as organisers looked for new ways to bring communities together while still observing social distancing. RSLs are needed for drive-in events so attendees can hear what's being said on their car radios. Over 430 RSL licences were granted in 2020/21 – compared to over 80 granted in 2019/20 – for events ranging from drive-in movies, church services and even drive-in weddings.

Other TV and radio broadcast licensing developments

TV broadcasters saw changes to the broadcast licensing framework for their services in the past year, with new rules now in place for how linear TV services are licensed following the UK's exit from the European Union.

In 2020/21, 228 TV broadcast licences were surrendered, out of a total of 1,378 licences in issue. While licensees don't have to give a reason when they surrender a licence, our analysis suggests the majority of the surrenders were due to broadcasting companies relocating due to EU exit. However, we also received just under 50 applications for new TV services and are seeing a variety of new channels being launched, providing catering to different interests for audiences across the UK.

In April 2020, we set out our plans to license over 200 small-scale radio multiplex services enabling community, commercial and specialist stations to get on air. A multiplex is the technical means by which DAB digital radio stations are broadcast – and in September we invited applications for the first 25. By mid-2021 we awarded 19 small-scale radio multiplex licences, including in Glasgow, Derry/Londonderry, Cardiff and Leeds among others. The second batch of multiplex licences, for localities in north west England and north east Wales, were advertised in June 2021.

We also received 21 applications for digital community radio service licences (C-DSP), which will ultimately be carried on small-scale DAB multiplexes. We issued 12 such licences, and we have also received 62 applications for digital radio licences (DSP), with 54 of these being issued with a licence to broadcast. 308 analogue community radio services are currently broadcasting, with a further 29 due to launch over the next year.

Licence condition enforcement

In our work to enforce licence conditions, which we consider under our [General procedures for investigating breaches of broadcast licences](#), we assessed 116 complaints during 2020-21 as set out in figure 14.

In all but one case we decided it was not appropriate or necessary to pursue complaints relating to the type of content broadcasters were required to provide during this period, recognising the impact of the pandemic. By the end of March 2021, many broadcasters were meeting their programming and production commitments in full. Other complaints were not pursued either because they did not raise potentially substantive issues which warranted investigation by Ofcom or because they were outside of our remit.

Figure 14: Licensing complaints

Description	Complaints
Broadcasters had not kept to the programming commitments/quotas in their licences.	74
Community or commercial radio stations had either temporarily ceased or not started broadcasting and therefore not providing the service required by the licence.	8
Licensees not complying with the ownership requirements for holding a broadcasting licence.	4
Licensee was not 'fit and proper' to hold a broadcasting licence.	4
Range of other issues, some of which were outside Ofcom's remit.	26

We closed 50 investigations, 47 of which were initiated by Ofcom, and the other three were the result of a complaint about a community radio station not broadcasting the output it was required

to deliver (two of these investigations related to complaints received during 2019/20). Figure 15 explains the outcome of the 50 investigations.

Figure 15: Investigation outcomes

Outcome	Volume	%
Not in Breach	22	56%
Breach (due to)	28	44%
Non-payment of annual licence fees	12	43%
Failure to provide information on request	12	43%
Failure to provide recordings of broadcast output	4	14%

This was a reduction compared to 2019/20, when we closed 268 investigations, 151 of which resulted in us recording a breach of the licence. The decrease in investigations this year is due to the flexibility we have offered to broadcasters in relation to compliance with programming commitments, requests for information and licence fees during the coronavirus pandemic.

In cases where a licensee has seriously, deliberately, repeatedly or recklessly breached their licence conditions, we impose a statutory sanction

in accordance with our [Procedures for the consideration of statutory sanctions in breaches of broadcast licences](#). In 2020/21 we imposed four sanctions as explained in figure 16 below.

We imposed fewer statutory sanctions in 2020/21 than in 2019/20 due to the flexibility we have offered to broadcasters in relation to compliance with programming commitments, requests for information and licence fees during the coronavirus pandemic.

Figure 16: Licensing sanctions imposed by year

Type	2020/21	2019/20	2018/19	2017/18	2016/17
Non-payment of annual fees ¹⁹	4	9	-	-	2
Non-provision of information ¹⁹	2	3	-	-	1
Non-compliance with programming commitments	-	1	-	-	-
Licensee failed to inform Ofcom of a change of control	-	-	1	-	-
Total	6	13	1	0	3

19. These sanctions relate to non-payment of annual licence fees that were overdue prior to the commencement of the coronavirus pandemic.

Figure 17 below provides details of the licensing statutory sanctions imposed in 2020/21.

Figure 17: Details of licensing sanctions imposed in 2020/21

Licensee	Service	Sanction	Penalty
Ujima Radio CIC	Ujima Radio	Financial penalty	£300
Afro Caribbean Millennium Centre	New Style Radio	Financial penalty	£2,000
Antenna Media Limited	Antenna Radio	Revocation	N/A
Atlas Media Team Limited	Atlas Radio	Revocation	N/A
Media Platform Limited	MPL Asia	Revocation	N/A
Media Platform Limited	MPL	Revocation	N/A

We also revoke licences for reasons other than serious breaches of licence conditions, for example where a licensee is no longer fit and proper to hold a licence, becomes disqualified from holding a licence or is no longer in control of a service or has ceased to be the provider of the service.

In 2020/21, we revoked the licence for the service 'CGTN' after our investigation concluded that the licensee, [Star China Media Limited](#) did not have editorial responsibility for CGTN's output and therefore did not meet the legal requirement of having control over the licensed service.

Figure 18: Details of licence revocations not related to a breach of licence conditions by year

Type	2020/21	2019/20	2018/19	2017/18	2016/17
Licensee incorrect provider of the service	1	1	-	1	7
Licensee no longer fit and proper to hold a licence	-	-	1	1	-
Non-compliance with programming commitments	-	1	-	-	-
Licensee failed to inform Ofcom of a change of control	-	-	1	-	-
Total	1	1	1	2	7

A5. Spectrum Engineering and Enforcement

Key performance indicator

Main Activities

Work Programme Activity/Incident	April 20 – March 21	April 19 – March 20
Complaints of Interference received ²⁰	1,923	1,585
Checking radio system licence compliance ²¹	1,130	2,211
Fixed Penalty Notices Issued ²²	0	21
Prosecutions for criminal spectrum activity ²³	1	3

Quality of Service Targets for Complaints of Interference Received

Key Performance Indicator	Case Priority	Target	Target achieved	
			April 20 – March 21	April 19 – March 20
Time to First Visit:	1	8 hours	-	100%
The time take from reporting a complaint of interference to the time our engineer arrives on site to diagnose the problem (for those cases where a field visit is required).	2	18 hours	100%	100%
	3	2 working days	96%	99%
	4	5 working days	99%	98%
	5	15 working days	99%	98%
	6	No target	-	-
	Resolution:	1	2 calendar days	-
The time taken from reporting a complaint of interference to the time the customer is advised that the case is resolved	2	3 calendar days	100%	100%
	3	6 working days	100%	99%
	4	20 working days	95%	96%
	5	40 working days	99%	96%
	6	60 working days	99%	99%

20. Cases of interference reported by the public and businesses

21. Work carried out by Ofcom to ensure licence conditions are adhered to or unlicensed use is not taking place

22. Fixed Penalty Notices (FPN) are usually instead of legal proceedings. Failure to pay a FPN can lead to legal action. Covid-19 restrictions have reduced Spectrum Assurance's ability to undertake non-essential licence investigations, these restrictions have similarly affected businesses using wireless telegraphy apparatus to which the majority of FPNs are issued. In 20/21 there was a 49% reduction in checking radio system licence compliance, compared with 2019/20 (see main table above) resulting in the reduction of FPNs issued.

23. Prosecutions in relation to "Pirate Radio" or failure to pay FPNs

A6. Spectrum Licensing

Category A

Licences that involve no frequency assignment, site clearance or international co-ordination	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Business Radio Light – Simple UK (no base station)	1,492	2,030	15,570	15,226
Business Radio Simple Site	971	1,227	9,048	8,969
Business Radio Suppliers Light	106	135	1,374	1,301
Fixed Wireless Access (5.8 GHz)	44	61	404	408
GNSS Repeater	14	16	366	353
Police and Fire	1	0	123	123
Subtotal for Business Radio products	2,628	3,469	26,885	26,380
Radar Level Gauge	0	0	124	124
Amateur & Maritime	34,326	30,167	275,665	268,117
Total for Category A	36,954	33,636	302,674	294,621
KPI for Category A (100% in 7 days)	100%	100%	-	-
KPI for Category A (Amateur & Maritime) (100% in 10 days)	100%	100%	-	-

Category B

Licences that involve frequency assignment, but no site clearance or international co-ordination	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Automatic Identification System	19	15	398	385
Coastal Station Radio (International)	10	5	396	396
Coastal Station Radio (UK)	13	11	324	339
Coastal Station Radio (Marina)	7	10	389	401
Coastal Station Radio (Training School)	50	31	504	477
Maritime Radio (Suppliers & Demonstration)	4	1	87	84
Maritime Nav aids and Radar	4	4	117	118
Differential Global Positioning System	0	0	6	6
Shared Access (Low Power)	63	124	829	786
Shared Access (Medium Power)	95	6	94	2
Subtotal – Deregulation & Contracting-Out	265	207	3,144	2,994
Business Radio Technically Assigned	1,729	2,438	23,580	24,630
Business Radio Area Assigned	35	25	324	309
Coastal Station Radio (UK) Area Defined	3	4	13	12
Coastal Station Radio (Internat'l) Area Defined	0	1	4	8
Ground Probing Radar	19	24	224	218
Scanning Telemetry	2	0	29	28
Self co-ordinated links	21	23	173	170
Subtotal for Business Radio products	1,809	2,515	24,347	25,375
Total for Category B	2,074	2,722	27,491	28,369
KPI for Category B	100%	87%	-	-
	100%	97%	-	-

Category C

Licences that require frequency assignment, and site clearance and/or international co-ordination	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20	
Fixed Links	1,397	1,359	18,925	19,806	
Satellite (Permanent Earth Station)	44	5	141	148	
Satellite (Transportable Earth Station)	11	58	104	112	
Satellite (Earth Station Network)	14	7	68	69	
Satellite (Non Fixed Earth Station)	5	4	10	11	
Satellite (Non-Geostationary Earth Station)	2	0	2	0	
Total for Category C	1,473	1,433	19,250	20,146	
KPI for Category C	90% in 42 days	100%	99%	-	-
	100% in 60 days	100%	99%	-	-

Aeronautical licences

Licences for aeronautical services	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Aeronautical Licences	1,648	5,298	16,128	15,954
Total for Aeronautical	1,648	5,298	16,128	15,954
KPI for Aeronautical (100% in 7 days)	100%	77%	-	-

Programme Making & Special Events (PMSE)

Licences and authorisations for outside broadcasts and programme-making and special events	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
PMSE Licences	14,113	36,130	5,669	7,974
Total for PMSE	14,113	36,130	5,669	7,974
KPI for PMSE (100% in 7 days)	100%	100%	-	-

Test and development (T&D) licences

	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Innovation and Research Licence	413	402	352	335
Demonstration and Trial Licence	264	358	135	155
Total for T&D	677	760	487	490
KPI for T&D (100% in 60 days)	100%	100%		-

Mobile and wireless broadband licences²⁴

Licences issued through spectrum auction or award processes	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Public Wireless Networks: 900, 1800 MHz	0	-1	4	4
Spectrum Access: 2100 MHz	0	0	4	4
Spectrum Access: Channel Tunnel ²⁵	0	0	2	2
Spectrum Access: 800 MHz, 2.6 GHz	0	0	5	5
Spectrum Access: 412 – 414 MHz	0	0	1	1
Spectrum Access: 1452 – 1492 MHz	0	0	2	2
Concurrent Spectrum Access: 1781-1785 MHz	0	0	1	1
Spectrum Access: 1785 MHz, Northern Ireland	0	0	25	25
Spectrum Access: 2.3, 3.4-3.6, 3.6-3.8, 10, 28, 32, 40 GHz	2	1	10	8
Spectrum Access Offshore	9	1	10	1
Total for Mobile and Wireless Broadband	11	1	64	53

24. Licences varied and/or re-issued, or fully traded from one company to another, are not included in these figures.

25. Separate licence for the out-bound (UK-France direction) tunnel

Channel Islands and Isle of Man licences

Licence applications made via local Regulators	Licences issued April 20 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Public Wireless Network: 800, 900, 1800, 2100, 2600 MHz, Channel Islands & Isle of Man	0	1	33	33
Spectrum / Wireless Access: 3.4, 3.6, 10, 28 GHz, Channel Islands and Isle of Man	-1	0	8	9
Total for Channel Islands and Isle of Man	-1	1	41	42

Digital dividend spectrum licences

Spectrum freed up for new uses as a result of digital switchover

DDR GI Licences issued through spectrum award processes	Licences issued April 19 – March 21	Licences issued April 19 – March 20	Total on issue as at 31 March 21	Total on issue as at 31 March 20
Spectrum Access 541 – 550 MHz (Cardiff)	0	0	1	1
Spectrum Access 758 – 766 MHz (Manchester)	0	0	1	1
Total for Digital Dividend licences	0	0	2	2
Total number of licences – all categories	56,949	79,981	371,806	367,650

A7. Sustainability

This section presents sustainability data and financial costs in more detail.

Greenhouse gas emissions

		2016/17	2017/18	2018/19	2019/20	2020/21	
Non-Financial Indicators (tonnes CO2e)	Scope 1	Gas	161	187	148	22	18
		Oil	19	22	11	0	0
		Fleet Fuel	185	192	168	163	90
	Scope 2	Electricity	1,090	809	528	308	189
		Business Travel	312	519	555	594	7
		Air	188	410	449	477	0
		Domestic	76	156	160	185	0
		Short haul	79	164	160	136	0
	Scope 3	Long haul	34	91	129	156	0
		Rail/bus/tube	78	66	67	73	1
		Car/Motorbike/ Cycle	43	41	36	41	6
		Taxis	3	2	2	3	0
	Related consumption data	Scope 1	Gas (kWh)	874,478	1,014,202	802,709	120,016
		Gas per FTE (kWh)	1,012	1,136	891	125	93
		Oil (litres)	7,500	8,500	4,501	0	0
		Fleet Fuel (litres)	71,024	73,659	64,710	62,665	32,816
Scope 1		Electricity (kWh)	2,426,666	2,103,652	1,720,333	1,112,349	747,108
		Electricity per FTE (kWh)	2,808	2,356	1,910	1,162	725
Financial Indicators	Scope 1	Gas	£22,293	£19,465	£23,494	£10,852	£11,803
		Oil	£2,128	£5,530	£3,347	£0	£0
		Fleet Fuel	£87,398	£93,911	£90,292	£85,269	£43,166
	Scope 2	Electricity	£293,991	£340,333	£287,074	£158,351	£127,833
		Business Travel	663,705	705,602	742,876	837,982	5,458
		Air	£253,733	£333,723	£367,844	£402,945	(£7,579)
	Scope 3	Rail/bus/tube	£299,929	£266,725	£273,338	£315,574	£2,136
		Car/Motorbike/ Cycle	£65,077	£64,329	£57,428	£66,212	£8,923
	Taxis	£44,966	£40,826	£44,266	£52,421	£1,977	

Scope 1 – This covers direct consumption of gas and oil, and fuel consumption from Ofcom’s fleet cars.

Gas consumption data across all years cover Ofcom’s main office in London, Belfast, Birmingham, Haydock (closed 2018) and Livingston (closed 2017). Gas charges for Edinburgh, Warrington and Cardiff offices are included in the service charge and therefore cannot be analysed. Gas consumption is dependent on weather conditions.

Ofcom pays for diesel fuel for its fleet cars using fuel cards, and consumption is recorded and monitored on a monthly basis. Fuel consumption from our fleet cars is largely dependent on demand for our enforcement services.

Scope 2 – This covers electricity supplies to Ofcom’s offices. Electricity data across all years

cover Ofcom’s main office in London, Baldock, Belfast, Birmingham, Cardiff, Edinburgh, Haydock (closed 2018), Warrington and some remote monitoring direction-finding sites around the UK. Electricity consumption is dependent on weather conditions.

Scope 3 – Business travel financial data have been obtained from our SAP reporting system and include travel by all colleagues regardless of where they are located. We have converted taxi and rail travel financial data into distances using guidance from the Carbon Trust Standard, and car travel financial data into distances using data from expense claims for mileage. Air travel data have been obtained directly from our business travel provider, and categorised into domestic, short-haul and long haul flights as per Defra flight distance guidance.

Waste minimisation and management

Waste consumption data for all years relate to Ofcom’s main office in London. Accurate waste consumption data is not available for other Ofcom offices, but the associated waste disposal costs have

been included. From June 2017 waste cost is included in our service charge. Our managing agent operates on a ‘zero waste to landfill’ basis, and all waste is recycled or incinerated with energy recovery.

		2016/17	2017/18	2018/19	2019/20	2020/21
Non-Financial Indicators (tonnes)	Total waste	172	76	198	189.21	69.00
	Waste sent to landfill	0	0	0	0	0
	ICT waste recycled/re-used	4	0	0	0	0
	Waste recycled/re-used	91	52	71	91.69	38
	Waste composted	14	4	4	0	3
	Waste incinerated with energy recovery	63	20	127	97.52	28
	Waste incinerated without energy recovery	0	0	0	0	0
	Total waste per FTE	0.199	0.086	0.220	0.198	0.067
Financial Indicators	Total waste	£37,984	£7,004	£43,805	£35,000	£12,470

Finite resource consumption

Water data across all years cover Ofcom's main office in London, Baldock, Birmingham, and Haydock (closed 2018). Water charges for other offices are included in the service charge and therefore cannot be analysed. Costs In 2017/18 include credit notes from suppliers due to overcharged bills in previous years. Water

consumption is limited to operational use, including a catering facility in Ofcom's main office in London.

There is a slight increase in water consumption during 2019/20 due to a leak at our Baldock office, which has now been resolved.

		2016/17	2017/18	2018/19	2019/20	2020/21
Non-Financial Indicators	Water consumption (m3)	11,282	9,379	13,988	18,874	6,375
	Water consumption per FTE	13.06	10.50	15.53	19.71	6.19
	Paper reams	6,317	3,915	2,579	2,446	23
	A3 reams	92	50	127	106	0
	A4 reams	6,225	3,865	2,452	2,305	23
	A5 reams	0	0	0	35	0
Financial Indicators	Water	£22,248	£6,929	£19,583	£23,321	£14,820

A8. 700 MHz Clearance

Overview

The 700 MHz clearance programme has successfully cleared this spectrum so that it can be used to meet the growing demand for spectrum for mobile data. The project was one of the largest Ofcom has ever been involved with and will bring major benefits to people across the UK.

Purpose

In 2014 Ofcom announced the decision to reallocate frequencies between 694 MHz and 790 MHz (“the 700 MHz band”).

DTT, audio Programme Making and Special Events (PMSE) services and White Space Devices (WSDs), who formerly used the 700 MHz band, no longer have this spectrum available to them now that the programme has completed.

Goals

The goals of the 700 MHz clearance programme are:

- to clear and release the 700 MHz band as soon as practically possible;
- to deliver value for money in the use of public funds;
- to avoid undue disruption to viewers; and
- to safeguard the ongoing delivery of the benefits DTT and PMSE provides.

Activities

Significant changes to the DTT network were required by the 700 MHz clearance programme as channels switched to new frequencies. This included major infrastructure work – involving both air and ground works – undertaken by Arqiva. The 700 MHz clearance programme included government funding to help affected equipment owners, although viewers were not unduly impacted by clearance events and received good support. PMSE users were also affected by 700 MHz clearance. They needed to replace some equipment that could no longer operate in the frequencies available to PMSE. A funding scheme was set up to assist affected users.

Timescale

An event of national significance materialised very quickly with the pandemic and a national lockdown announced on 23 March 2020. The pandemic necessitated the pausing of clearance events and the adoption of a revised timescale for the programme due to the national lockdown in the UK in the first half of 2020. The clearance events successfully restarted on 12 August 2020 following the easing of UK Government restrictions and the last phase of the clearance of the airwaves completed on 19 August 2020.

The 700 MHz airwaves were part of the 2021 Spectrum auction that has concluded with the mobile network operators using the airwaves to boost current mobile services and support new 5G networks.

All workstreams have progressed to the closure phase of the programme. The majority will complete during 2021.