

OFCOM BROADCAST AND ON DEMAND BULLETIN

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Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act².

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

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
 - the prohibition on 'political' advertising;
 - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
 - gambling, dating and 'message board' material where these are broadcast as advertising³.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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

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

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

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

Note to Broadcasters and On Demand Service Providers

New Broadcast and On Demand Bulletin format

Since 2004, Ofcom has published a fortnightly issue of the Broadcast and On Demand on its website setting out the outcomes of assessments and investigations. Following feedback from users, we have decided to change the Bulletin's format to make it as accessible and helpful a resource as possible.

We will be launching the new format for issue number 394.

The key changes will be:

A new 'Broadcast and On Demand Bulletin Hub' – this new home page for the Bulletin will include links to our most recent issue, past decisions, complaints, and other useful resources.

Decisions as separate documents – we will be publishing each Decision as a separate PDF document. Decisions will be listed in a table with click-through links.

Summaries of Decisions – we will be publishing a short summary at the top of each Decision, which will include the rules we investigated under and the outcome.

Past Decisions in a central database – the database can be filtered by service name and Code issue, and sorted by a variety of fields. Initially, decisions published from January 2020 onwards will be available, but we will look to update this resource with previous Decisions in due course. Until then, Bulletins from before January 2020 will be available in the usual place on our website.

Tables of cases in a central database – all cases we publish in tables, such as complaints we have assessed but not pursued or new investigations, will be saved in a database which can be filtered by service name and Code issue, and sorted by a variety of fields. As well as looking at the two-week period covered by the latest Bulletin, you will also be able to look back at other time periods (from the launch date onwards).

We welcome any feedback (to bulletinfeedback@ofcom.org.uk) on the new Bulletin format once it is launched.

Broadcast Standards cases

In Breach / Resolved

The Ashes, Sky Sports Main Event, 24 August 2019, 13:50

Live Vitality T20 Blast Cricket, Sky Sports Main Event, 4 September 2019, 20:10

Ashes Cricket, Sky Sports Ashes, 14 September 2019, 13:40

Introduction

Sky Sports Main Event is a subscription sports channel. The licence for this service is held by Sky UK Limited ("Sky" or "the Licensee"). Sky Sports Ashes was a temporary channel created over the summer of 2019 to show live matches of the Ashes Test cricket series between England and Australia. The licence for this service was also held by Sky.

Ofcom received complaints about the broadcast of offensive language across three separate live cricket matches.

In the live coverage of *The Ashes* on 24 August, a player who had just been bowled out could be heard shouting "*fuck off...fucking prick...fuck you*" as he walked off the pitch, while the commentators discussed the bowler's achievement. In the live coverage of T20 Blast Cricket on 4 September, a player shouted "*fuck*". In the live coverage of Ashes Cricket on 14 September, a commentator said "*they haven't got a fucking clue*".

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

Rule 1.14: "The most offensive language must not be broadcast before the watershed (in the case of television)...".

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...offensive language".

Response

The Licensee said it fully acknowledged the seriousness of such strong language being broadcast before the watershed. It said that such occurrences are extremely rare and that it believed "the productions were approached, pre-broadcast, in an appropriate manner to the event being covered".

The Ashes and T20 Blast Cricket, Sky Sports Main Event

The Licensee explained that during the 24 August broadcast "the use of an on-board camera microphone...led to the strong language being captured." It said that upon realising this, the production team cut to a replay and did not return to the player.

The Licensee said that the use of a stump microphone during the 4 September coverage, which allows for "dramatic sounds to be captured as the ball strikes the wicket", picked up background language from the batting player nearby.

The Licensee explained that the production team had “taken steps to ensure there is no recurrence”, including making sure the live audio is “continually monitored” by a member of the team. It also said it would no longer have the on-board camera microphone live when in close proximity to a player, a decision it said was a “clear indicator” of how seriously it had taken this incident.

Sky acknowledged the lack of on-air apology in both broadcasts, which it believed “would have greatly reduced any potential for offence that may have occurred”. As a result, it said “all sports directors have been...reminded of the importance of an immediate apology”.

Ofcom prepared a Preliminary View finding the Licensee in breach of Rules 1.14 and 2.3 for these programmes and provided it to the Licensee for its comments. The Licensee responded, arguing that it would have been clear to viewers of *The Ashes* broadcast that the player “was in fact angry with himself” after being bowled out and the offensive language was therefore not directed towards an individual. It added that its failure to recognise the content was “due to a brief moment in which the audio was not monitored rather than a far greater issue of not being aware of aggressive actions of those on-screen”.

Ashes Cricket, Sky Sports Ashes

Sky said that the incident on 14 September occurred due to the commentator David Gower “believing his microphone had been muted following his passing of commentary duties from the studio to the match team”. It said that upon realising this, the production team muted all microphones and requested that Gower’s fellow commentator Shane Warne offer an immediate on-air apology, which was “delivered immediately”. It said that this apology “would have lessened any offence that may have occurred”.

Sky said that this incident was an “error by the Sky production team on the day”. It went on to say that presenters have been reminded of the importance of not using strong language within a live broadcast.

Decision

[Ofcom’s research on offensive language](#) makes clear that the word “fuck” is considered by audiences to be among the most offensive language. The word “prick” is also considered to be strong.

Reflecting our duties under the Communications Act, Rule 1.14 prohibits the broadcast of the most offensive language on television before the watershed. In these cases, the most offensive language was broadcast at 13:50, 20:10 and 13:40 respectively.

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 viewers at these times would have been unlikely to have expected to hear the most offensive language.

The Ashes and T20 Blast Cricket, Sky Sports Main Event

Ofcom took into account that the language had been broadcast live in error and that the Licensee had taken steps to prevent recurrence. However, in the case of *The Ashes* broadcast, the most offensive language was delivered in an aggressive manner and appeared

to be directed at an individual ("*fuck off...fucking prick...fuck you*"). We were mindful of the Licensee's argument that the player's anger was directed towards himself following his performance during the match. However, given the discussion which was concurrently taking place within the commentary team (who were discussing the bowler's achievement), we considered there was likely to have been some ambiguity for viewers about this. We did not agree that it would have been clear enough to viewers that the player was talking about himself to mitigate the offence caused by his use of the most offensive language. In both broadcasts, no on-air apology was given.

As a result, our Decision is that these programmes were in breach of Rules 1.14 and 2.3 of the Code.

Ashes Cricket, Sky Sports Ashes

Ofcom took into account that the language had been broadcast live in error and the steps taken by the Licensee to prevent recurrence. We also took into account that an on-air apology was delivered immediately.

Ofcom's Decision therefore is that this matter is resolved.

Decision:

The Ashes, 24 August 2019: **Breaches of Rules 1.14 and 2.3**

Live Vitality T20 Blast Cricket, 4 September 2019: **Breaches of Rules 1.14 and 2.3**

Ashes Cricket, 14 September 2019: **Resolved**

In Breach

Top Fifteens

Radio Caroline, 30 September 2019, 09:55

Introduction

Radio Caroline is a community station playing a mix of adult-orientated rock music from the 1960s onwards. The licence for this service is held by Radio Caroline AM Broadcasting Ltd ("Radio Caroline" or "the Licensee").

Ofcom received a complaint about the broadcast of the Radiohead track *Creep* which contained three uses of the word "*fucking*".

Ofcom requested the Licensee's comments under Rule 2.3 of the Code which states:

"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...".

Response

Radio Caroline highlighted that the station is operated entirely by volunteers spread geographically over a wide area, and that as a community station it involves "as many volunteers and listeners as possible". It explained that the track was aired due to a "simple error" between two volunteers who shared the tasks of scheduling the tracks and voicing links.

The Licensee said that it now has a forum for volunteers to communicate with each other more easily. It is also creating a single database of music so that tracks are not selected from external sources, which it says "will mitigate...the risk of recurrence of this type of problem". It went on to say that listener suggestions for tracks are now "examined by one staff member and only used or added to the available list if the content is acceptable".

The Licensee stated that "no apology was broadcast...because the problem was not identified until it was brought to [its] notice many days later". It concluded by saying that there was "no justification for the use of explicit language" and that it would "not knowingly play such a track".

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 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. In particular, we took into account that no apology was broadcast.

Ofcom took into account that the language had been broadcast live in error, and the steps the Licensee said it was taking. However, Ofcom's Decision is that this programme was in breach of Rule 2.3.

Breach of Rule 2.3

In Breach

Good Morning Britain ITV, 30 July 2019, 08:00

Introduction

Good Morning Britain ("GMB") is a weekday morning news programme broadcast on ITV. The programme is compiled by ITV Broadcasting Limited ("ITV") on behalf of the Licensee, ITV Breakfast Broadcasting Limited.

Ofcom received a complaint about an interview featuring the television presenter Judith Chalmers ("JC"), best known for presenting the travel programme *Wish You Were Here...?*, and who had recently been voted the UK's "all-time leading TV travel icon" in research commissioned by the company Travel Republic. The complainant suggested that the segment promoted Travel Republic.

The guest was interviewed by presenters Kate Garraway ("KG") and Ben Shephard ("BS"):

BS: *"Thirty years Judith travelled the world presenting Wish You Were Here...?, giving us Brits travel advice, introducing us to the idea of a package holiday, and supporting a host of copycat shows along the way".*

KG: *"That were never as good".*

JC: *"You're very kind".*

KG: *"And now she's officially been named as the nation's all-time leading TV travel icon".*

BS: *"Congratulations".*

KG: *"Quite right too".*

JC: *"Well, I had no idea about that –"*

BS: *"Forget the OBE!"*

JC: *"Forget the OBE, you say?"*

BS: *"Yeah. It's all about being the TV travel icon".*

This exchange was followed by a general discussion of holidays, covering for example the problem of overpacking, which lasted around one and half minutes. Kate Garraway then asked:

KG: *"So how have holidays changed, do you think?"*

JC: *"Well, Travel Republic have made a video, and they've been asked for research about how things are changing, and they are, to a certain extent. I*

mean it was the package holiday market when we started Wish You Were Here...? We started filming in '73 and transmitting in '74. And it was the first time that all the different parts and elements of a holiday could be put together. They still can of course, and Travel Republic has actually got a hundred sort of holiday hotels, which are for people who now want a slightly quieter time. They want some yoga, they want some meditation. They've raced around the world. And that's just part of what they've got. They sell 300,000 holidays a year – it's a marvellous company – and to over a thousand countries. And so it's all laid out in front of you".

BS: *"Sounds great".*

The discussion continued for just under a minute, touching on topics such as using towels to reserve sun-loungers. Ben Shephard then brought the interview to a close:

BS: *"It's been lovely to see you, thank you so much for popping in".*

JC: *"Well thank you, and just remember, you know, have you seen the video of what I've done?"*

BS: *"Not yet, no, but I'm sure lots of people will go and find it, 'cause it's obviously got some great stuff in there as well".*

JC: *"Yes, and as part of the sort of 'woke' business, you know, this getting things quieter with mental things that disturb people. You can have your meditation –"*

BS: *"Just get your towel on the sun-lounger early, then you can relax!"*

ITV confirmed that the references to Travel Republic were not subject to a commercial arrangement between any third party and the broadcaster (ITV Breakfast Broadcasting Limited) or the programme producer (ITV Studios). It also said that the inclusion of these references was not agreed in return for Judith Chalmers' appearance in the programme.

Ofcom therefore considered that the content raised issues under the following Code rules:

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

Rule 9.5: *"No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:*

- *the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or*
- *the manner in which a product, service or trade mark is referred to in programming".*

We requested ITV's comments on how the item complied with these rules.

Response

ITV said that Judith Chalmers had been booked to appear on *GMB* because the production team considered that it would be of interest and relevance to their viewers to discuss her views on holidays, her career as a presenter of travel programmes on ITV, and her involvement in filming related to the research commissioned by Travel Republic. It said: "The programme routinely gives editorial coverage to social trends and attitudes. As such, the team felt it was editorially justified to include reference to the Travel Republic research, particularly given it was the start of the summer holiday period, and that it was a project relevant to Mrs Chalmers' previous career".

ITV confirmed that it had retained full editorial control over the interview and taken into account the requirements of Section Nine of the Code. It said it had taken the decision not to include in the programme any clips from the video filmed by Judith Chalmers for Travel Republic, because it considered it to be overly promotional. It instead planned "a wide-ranging discussion", in which any references to the research would focus on the findings and Judith Chalmers' involvement, rather than the products and services offered by Travel Republic.

ITV observed that the interview had lasted around four minutes and covered a range of topics, most of them unrelated to Travel Republic. However, ITV acknowledged that Judith Chalmers did discuss the products and services offered by Travel Republic. According to ITV, Ben Shephard interrupted to say "*Sounds great*", which it described as "a polite attempt to move the conversation away from Travel Republic's services and back to the topic in hand". In addition, Judith Chalmers referred again to "*the video of what I've done*" towards the end of the interview, which in ITV's view would have made it clear to viewers that she had a commercial relationship with Travel Republic.

ITV acknowledged that it would have been preferable if, as intended, Judith Chalmers had just discussed her filming for Travel Republic's research and the research's findings and explained both more fully, and if she had not made the references to Travel Republic's business and services. It added that the *GMB* team did not anticipate that the guest would make such detailed references.

Nevertheless, ITV considered that Judith Chalmers' references to Travel Republic's products and services were intended to explain how the company was responding to the consumer trends detailed in its research, and that there was therefore some editorial justification for their inclusion. It added that the references were "relatively brief", and that the company was only mentioned by name twice. In the context of a wide-ranging discussion of consumer trends in the holiday sector, ITV argued that the references to Travel Republic were "appropriately brief and limited", and were neither promotional nor unduly prominent.

Decision

Reflecting our duties under the Communications Act 2003, Section Nine of the Code requires that a distinction is maintained between programmes and advertising. The rules in Section Nine help ensure that viewers are easily able to differentiate between advertising and editorial material and also support [rules](#) that restrict the amount of advertising broadcasters can transmit.

Rule 9.4

Rule 9.4 requires that products, services and trade marks must not be promoted in programming. [Ofcom's published guidance](#) on Rule 9.4 states: "Where a reference to a product or service features in a programme...the extent to which a reference will be considered promotional will be judged by the context in which it appears. In general, products or services should not be referred to using favourable or superlative language and prices and availability should not be discussed".

As set out in the Introduction, Judith Chalmers described Travel Republic as offering "*a hundred sort of holiday hotels, which are for people who now want a slightly quieter time*", listing "*yoga*" and "*meditation*" as examples of the services available at these hotels. She added: "[T]hat's just part of what they've got" and "[I]t's all laid out in front of you". Ofcom considered that these comments referred favourably to the range of products and services offered by the company, emphasising choice and convenience, in a way that was promotional.

In addition, Judith Chalmers said that Travel Republic "*sell[s] 300,000 holidays a year...to over a thousand countries*", highlighting the success of the company. This promotional language was reinforced by her description of it as "*a wonderful company*".

ITV accepted that it would have been preferable for Judith Chalmers not to refer to Travel Republic's products and services in this way, and this had not been anticipated. It did not make clear to what extent Judith Chalmers had been briefed before the programme to ensure that she did not use promotional language when discussing Travel Republic.

ITV submitted that Ben Shephard had politely attempted to move the conversation off the topic of Travel Republic's products and services with his comment "*Sounds great*". In Ofcom's view, this comment had the effect of appearing to confirm, rather than shift focus away from, the favourable references made to Travel Republic.

Ofcom's Decision is that these references were promotional, in breach of Rule 9.4.

Rule 9.5

Rule 9.5 requires that references to products, services or trade marks in programming must not be unduly prominent. Undue prominence may result from such references where there is no editorial justification, or from the manner in which they are referred to. [Ofcom's published guidance](#) on undue prominence makes clear that where a product, service or trade mark appears in a programme: "[T]here must be editorial justification for its inclusion. The level of prominence given to a product, service or trade mark will be judged against the editorial context in which the reference appears".

ITV argued that there was editorial justification for discussing consumer trends in the holiday sector, as explored in the research commissioned by Travel Republic. The programme was broadcast at the start of the summer holiday period, and Judith Chalmers' career as a presenter of *Wish You Were Here...?* and her association with Travel Republic made her a suitable guest to address this topic.

ITV also argued that Judith Chalmers' references to Travel Republic's products and services were intended to show how it was responding the consumer trends identified by the

research. It also pointed out that the four-minute discussion was wide-ranging, covering many aspects of holidays without referring to Travel Republic. In that context, ITV suggested that the references to the company were relatively brief and appropriately limited, with it only mentioned by name twice.

Ofcom accepted that there was editorial justification for including this segment in the programme. However, we considered that Judith Chalmers' references to Travel Republic's products and services lacked editorial justification, going beyond a discussion of consumer trends in the holiday sector. Further, the manner in which these products and services were referred to, involving the promotional language set out above, made the references unduly prominent.

Towards the end of the interview, Judith Chalmers again raised the topic of the promotional video she had recorded for the company, though it was not mentioned by name at this point. Ben Shephard said *"I'm sure lots of people will go and find it, 'cause it's obviously got some great stuff in there as well"*, suggesting that viewers might look up a promotional video for the travel agent online. ITV argued that this exchange would have made it clear to viewers that Judith Chalmers had a commercial relationship with Travel Republic. In Ofcom's view, it contributed to the effect of undue prominence.

Ofcom's Decision is therefore that the programme was also in breach of Rule 9.5.

Breaches of Rules 9.4 and 9.5

Broadcast Licence Conditions cases

In Breach

Non-provision of service

Premier Christian Communications Ltd, July 2019 to present

Introduction

Premier Christian Communications Ltd (“Premier Christian Communications” or “the Licensee”) holds the analogue Commercial Radio licences for the service Premier Christian Radio (Greater London).

Ofcom became aware that the service had not been broadcasting on one of its assigned frequencies, 1332 KHz, from its transmission site in Bow since July 2019. The Licensee was, therefore, not delivering the service in accordance with its [published Format to the whole of the licensed area](#).

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 and shall secure that the Licensed Service serves so much of the licensed area as is for the time being reasonably practicable”.
- “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”.

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

Response

The Licensee said that a number of factors outside of its control was preventing it from resuming transmission at the Bow site.

It said it was notified by its telemetry system that the site went offline in July 2019 and attended the site immediately to investigate. It found that the company which had provided the power supply to the site had demolished the building that had supplied the power. This was done “without notice” to Premier Christian Communications. The provider subsequently decided it would not be able to supply Premier Christian Communications with power to the Bow transmission site going forward.

Premier Christian Communications said that its “contractors” did notify Ofcom at the point the problem was first realised. It also said it was exploring various options in order to resolve the situation and was still committed to finding a solution to resume transmission from the site.

Decision

Provision by a licensee of its licensed service on the frequencies assigned to it is the fundamental purpose for which a commercial 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, Premier Christian Communications has failed to provide the licensed service to the whole of the licensed area since July 2019 and was still not broadcasting on 1332 KHz from the Bow transmission site when Ofcom monitored the allocated frequency on 24 September 2019. We did not consider that the third-party notification about the issues affecting the Bow transmission site to which the Licensee refers in its response constituted a notification from the Licensee of its failure to broadcast the service for which it is licensed. There was no reference to the licensed service or the Licensee itself in this notification. It is the sole responsibility of the Licensee itself to notify Ofcom of any failure to provide the service for which it is licensed.

Ofcom's Decision is therefore that Premier Christian Communications 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 commercial radio licence held by Premier Christian Communications (licence number AL000176)

In Breach

Providing a service in accordance with 'Key Commitments' Awaaz FM, Awaaz FM Community Radio CIC, May 2019 to October 2019

Introduction

Awaaz FM is a community radio station in Southampton for ethnic minority communities. The license is held by Awaaz FM Community Radio CIC ("Awaaz FM" or "the licensee").

Like all holders of a community radio licence, Awaaz FM must meet a number of '[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.

In May this year, Ofcom found Awaaz FM [in breach](#) of Licence Conditions 2(1) and 2(4) of its licence for failing to meet its minimum requirement to deliver 77 hours per week of original output. In this finding, Ofcom made clear that it expected Awaaz FM to rectify the issue immediately and that it would monitor its compliance in this area in future. The Licensee stated that it aimed to meet the minimum requirement of 77 hours per week by "summer 2019".

For this reason, Ofcom requested audio recordings of the service's output in September 2019 alongside an explanation of how the Licensee was complying with the requirements. In response, the Licensee expressed that it was still currently failing to meet the minimum requirement of 77 original output hours per week.

Ofcom considered that this raised issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule of Awaaz 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

Awaaz FM said that it had recently attended an event that resulted in a marked increase in the number of people interested in volunteering. It said it was in the process of training five new presenters which meant that some new programmes had already been added to the schedule and that its original output would significantly increase over the course of the next two months. However, it stated that it was currently delivering just 64 hours of original output per week and that it aimed to broadcast around 60 hours of original output per week by the end of October. It said that its current minimum level of 77 hours per week of original

output was not maintainable and that it intended to submit a request to Ofcom to reduce this figure.

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.

In this case, Awaaz FM previously stated to Ofcom that it aimed to meet its minimum requirement of 77 hours of original output by "summer 2019". However, in September 2019, Awaaz FM conceded that it was still failing to meet this figure. We acknowledge that the Licensee appears to have taken steps to increase its capacity for original output since Ofcom found it in breach of the requirement in June 2019. It has also submitted a formal request to reduce the minimum number of hours of original output per week for Ofcom to consider. However, it remains that, since May 2019, the Licensee has failed to meet its minimum requirement to deliver 77 hours per week of original output.

Ofcom's Decision is therefore that Awaaz FM is in breach of Licence Conditions 2(1) and 2(4). Ofcom expects the Licensee to rectify this issue and we are putting the Licensee on notice that Ofcom will monitor this service again to check its compliance with this requirement.

Breach of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Awaaz FM Community Radio CIC (licence number CR101276)

In Breach

Retention and production of recordings *Esplanade Vale Media Limited*

Introduction

British Muslim TV is a general entertainment television channel, the licence for which is held by Esplanade Vale Media Limited ("Esplanade Vale Media" or "the Licensee").

Ofcom received a complaint about a programme broadcast on 15 September 2019, which the complainant alleged was "inciting hatred against India". Ofcom therefore requested a recording of the programme from the Licensee to assess the content.

In response, Esplanade Vale Media informed Ofcom that it was not able to provide the requested recordings because of a "hardware failure" which meant it was unable to retrieve any data for the requested period. It said it had since ordered a new set of compliance recorders.

Ofcom considered that Esplanade Vale Media's inability to provide the recording raised potential issues under Licence Conditions 11(2)(a) and (b) ("Retention and production of recordings") of its licence, which state:

"11(2) ...the Licensee shall:

- (a) make and retain or arrange for the retention of a recording in sound and vision of every programme included in the Licensed Service for a period of 60 days from the date of its inclusion therein; and
- (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction..."

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

Response

Esplanade Vale Media did not respond to Ofcom's request for comments.

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 Television Licensable Content Service licences, this is reflected in Licence Conditions 11(2)(a) and (b).

Breaches of Licence Conditions 11(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 acknowledge the steps taken by the Licensee to avoid a recurrence. However, the failure by Esplanade Vale Media to provide the material prevented us from assessing it. Therefore, Ofcom's Decision is that the Licensee is in breach of Licence Conditions 11(2)(a) and (b).

Additionally, we are putting the Licensee on notice that Ofcom will monitor this service to check its compliance with this licence condition in future.

Breaches of Licence Conditions 11(2)(a) and (b) of the Television Licensable Content Service licence held by Esplanade Vale Media Limited (Licence number TLCS100280)

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue 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
Smuggled	All 4 / Channel 4	04/11/2019	Generally accepted standards	1
Channel 4 News	Channel 4	25/11/2019	Elections/Referendums	1
Channel 4 News	Channel 4	27/11/2019	Elections/Referendums	2
Channel 4 News	Channel 4	29/11/2019	Elections/Referendums	2
Channel 4 News	Channel 4	02/12/2019	Elections/Referendums	3
Channel 4 News	Channel 4	03/12/2019	Elections/Referendums	2
Channel ident	Channel 4	02/12/2019	Elections/Referendums	1
Countdown	Channel 4	26/11/2019	Race discrimination/offence	1
Food Unwrapped Goes Vegan	Channel 4	19/11/2019	Materially misleading	1
Gogglebox	Channel 4	15/11/2019	Race discrimination/offence	1
Gogglebox	Channel 4	22/11/2019	Animal welfare	1
Gogglebox	Channel 4	22/11/2019	Elections/Referendums	5
Gogglebox	Channel 4	24/11/2019	Animal welfare	1
Gogglebox	Channel 4	29/11/2019	Elections/Referendums	12
Gogglebox	Channel 4	29/11/2019	Generally accepted standards	1
Googlebox	Channel 4	29/11/2019	Offensive language	1
Growing Up Poor: Britain's Breadline Kids (trailer)	Channel 4	30/11/2019	Elections/Referendums	1
Hollyoaks	Channel 4	19/11/2019	Generally accepted standards	1
Hollyoaks	Channel 4	22/11/2019	Gender discrimination/offence	1
Junior Bake Off	Channel 4	19/11/2019	Generally accepted standards	1
Kirsty's Handmade Christmas	Channel 4	25/11/2019	Religious/Beliefs discrimination/offence	1
Naked Attraction	Channel 4	24/11/2019	Generally accepted standards	1
Party Election Broadcast by the Brexit Party	Channel 4	25/11/2019	Elections/Referendums	3

Programme	Service	Transmission Date	Categories	Number of complaints
Party Election Broadcast by the Scottish National Party	Channel 4	21/11/2019	Elections/Referendums	1
Smuggled	Channel 4	04/11/2019	Crime and disorder	2
Smuggled	Channel 4	04/11/2019	Generally accepted standards	1
The Channel 4 News Climate Debate	Channel 4	28/11/2019	Animal welfare	3
The Channel 4 News Climate Debate	Channel 4	28/11/2019	Elections/Referendums	198
The End of the F***ing World (trailer)	Channel 4	23/11/2019	Offensive language	1
The Last Leg	Channel 4	22/11/2019	Generally accepted standards	2
The Last Leg	Channel 4	29/11/2019	Elections/Referendums	1
Turner & Hooch	Channel 4	24/11/2019	Offensive language	1
Ben and Holly's Little Kingdom	Channel 5	05/12/2019	Generally accepted standards	1
Catching the Scammers	Channel 5	04/12/2019	Materially misleading	1
Fight Night: Bellator Live from Wembley	Channel 5	23/11/2019	Offensive language	1
How to Stop Your Nuisance Calls	Channel 5	21/11/2019	Materially misleading	1
Jeremy Vine	Channel 5	29/10/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	18/11/2019	Due impartiality/bias	2
Jeremy Vine	Channel 5	19/11/2019	Generally accepted standards	2
Jeremy Vine	Channel 5	20/11/2019	Generally accepted standards	1
One Night With My Ex	Channel 5	10/10/2019	Generally accepted standards	10
Party Election Broadcast by Plaid Cymru	Channel 5	30/11/2019	Elections/Referendums	1
Tutankhamun with Dan Snow	Channel 5	27/11/2019	Animal welfare	1
News	Classic FM	29/11/2019	Generally accepted standards	1
Eddie Eats America	Dave	25/11/2019	Offensive language	1
Room 101	Dave	25/11/2019	Under 18s in programmes	1
Taskmaster	Dave	03/12/2019	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Timber Kings	Dave	04/12/2019	Generally accepted standards	1
Made in Chelsea	E4	11/11/2019	Race discrimination/offence	3
Naked Attraction	E4	01/12/2019	Generally accepted standards	1
"Complaints Welcome" campaign	E4+1	28/11/2019	Generally accepted standards	1
Heart Breakfast with Jamie and Amanda	Heart FM	20/11/2019	Generally accepted standards	1
Heart Breakfast with Jamie and Amanda	Heart FM	29/11/2019	Competitions	1
Princess of Mars	Horror Channel	04/12/2019	Offensive language	1
Assistive Bathing's sponsorship of Everyday Favourites	ITV	05/12/2019	Sponsorship credits	1
Cash Trapped	ITV	27/11/2019	Fairness	5
Catchphrase	ITV	24/11/2019	Generally accepted standards	1
Coronation Street	ITV	13/11/2019	Generally accepted standards	1
Coronation Street	ITV	18/11/2019	Generally accepted standards	2
Coronation Street	ITV	18/11/2019	Race discrimination/offence	1
Coronation Street	ITV	18/11/2019	Religious/Beliefs discrimination/offence	4
Coronation Street	ITV	22/11/2019	Dangerous behaviour	1
Coronation Street	ITV	22/11/2019	Generally accepted standards	2
Coronation Street	ITV	26/11/2019	Generally accepted standards	1
Coronation Street	ITV	27/11/2019	Generally accepted standards	1
Coronation Street	ITV	27/11/2019	Materially misleading	1
Emmerdale	ITV	04/11/2019	Materially misleading	1
Emmerdale	ITV	12/11/2019	Violence	5
Emmerdale	ITV	13/11/2019	Race discrimination/offence	1
Emmerdale	ITV	27/11/2019	Generally accepted standards	1
Emmerdale	ITV	29/11/2019	Elections/Referendums	1
Gala Bingo's sponsorship of The Chase	ITV	Various	Sponsorship credits	1
Gino's Italian Express	ITV	28/11/2019	Animal welfare	1

Programme	Service	Transmission Date	Categories	Number of complaints
Good Morning Britain	ITV	18/11/2019	Generally accepted standards	134
Good Morning Britain	ITV	19/11/2019	Sexual orientation discrimination/offence	1
Good Morning Britain	ITV	20/11/2019	Elections/Referendums	9
Good Morning Britain	ITV	20/11/2019	Offensive language	1
Good Morning Britain	ITV	20/11/2019	Sexual material	1
Good Morning Britain	ITV	22/11/2019	Elections/Referendums	1
Good Morning Britain	ITV	22/11/2019	Gender discrimination/offence	1
Good Morning Britain	ITV	26/11/2019	Elections/Referendums	2
Good Morning Britain	ITV	27/11/2019	Elections/Referendums	10
Good Morning Britain	ITV	28/11/2019	Elections/Referendums	2
Good Morning Britain	ITV	29/11/2019	Elections/Referendums	9
Good Morning Britain	ITV	29/11/2019	Generally accepted standards	2
Good Morning Britain	ITV	02/12/2019	Elections/Referendums	1
Good Morning Britain	ITV	03/12/2019	Generally accepted standards	1
Good Morning Britain	ITV	03/12/2019	Offensive language	1
Good Morning Britain	ITV	04/12/2019	Elections/Referendums	2
Good Morning Britain	ITV	05/12/2019	Elections/Referendums	3
How to Spend It Well at Christmas with Phillip Schofield	ITV	03/12/2019	Generally accepted standards	2
I'm a Celebrity...Get Me Out of Here!	ITV	17/11/2019	Generally accepted standards	1
I'm a Celebrity...Get Me Out of Here!	ITV	19/11/2019	Animal welfare	3
I'm a Celebrity...Get Me Out of Here!	ITV	19/11/2019	Generally accepted standards	2
I'm a Celebrity...Get Me Out of Here!	ITV	20/11/2019	Generally accepted standards	3
I'm a Celebrity...Get Me Out of Here!	ITV	21/11/2019	Animal welfare	4
I'm a Celebrity...Get Me Out of Here!	ITV	21/11/2019	Generally accepted standards	1
I'm a Celebrity...Get Me Out of Here!	ITV	22/11/2019	Animal welfare	4
I'm a Celebrity...Get Me Out of Here!	ITV	22/11/2019	Generally accepted standards	2
I'm a Celebrity...Get Me Out of Here!	ITV	23/11/2019	Animal welfare	16
I'm a Celebrity...Get Me Out of Here!	ITV	23/11/2019	Gender discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
I'm a Celebrity...Get Me Out of Here!	ITV	23/11/2019	Race discrimination/offence	1
I'm a Celebrity...Get Me Out of Here!	ITV	24/11/2019	Advertising minutage	1
I'm a Celebrity...Get Me Out of Here!	ITV	24/11/2019	Animal welfare	6
I'm a Celebrity...Get Me Out of Here!	ITV	24/11/2019	Generally accepted standards	74
I'm a Celebrity...Get Me Out of Here!	ITV	24/11/2019	Materially misleading	1
I'm a Celebrity...Get Me Out of Here!	ITV	24/11/2019	Offensive language	1
I'm a Celebrity...Get Me Out of Here!	ITV	25/11/2019	Animal welfare	2
I'm a Celebrity...Get Me Out of Here!	ITV	25/11/2019	Disability discrimination/offence	120
I'm a Celebrity...Get Me Out of Here!	ITV	26/11/2019	Animal welfare	5
I'm a Celebrity...Get Me Out of Here!	ITV	26/11/2019	Gender discrimination/offence	1
I'm a Celebrity...Get Me Out of Here!	ITV	26/11/2019	Generally accepted standards	9
I'm a Celebrity...Get Me Out of Here!	ITV	26/11/2019	Offensive language	1
I'm a Celebrity...Get Me Out of Here!	ITV	27/11/2019	Animal welfare	8
I'm a Celebrity...Get Me Out of Here!	ITV	27/11/2019	Generally accepted standards	67
I'm a Celebrity...Get Me Out of Here!	ITV	27/11/2019	Race discrimination/offence	1
I'm a Celebrity...Get Me Out of Here!	ITV	28/11/2019	Animal welfare	5
I'm a Celebrity...Get Me Out of Here!	ITV	28/11/2019	Generally accepted standards	24
I'm a Celebrity...Get Me Out of Here!	ITV	28/11/2019	Suicide and self harm	1
I'm a Celebrity...Get Me Out of Here!	ITV	29/11/2019	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	29/11/2019	Generally accepted standards	4
I'm a Celebrity...Get Me Out of Here!	ITV	29/11/2019	Voting	39
I'm a Celebrity...Get Me Out of Here!	ITV	30/11/2019	Animal welfare	4
I'm a Celebrity...Get Me Out of Here!	ITV	30/11/2019	Generally accepted standards	25

Programme	Service	Transmission Date	Categories	Number of complaints
I'm a Celebrity...Get Me Out of Here!	ITV	01/12/2019	Animal welfare	2
I'm a Celebrity...Get Me Out of Here!	ITV	01/12/2019	Generally accepted standards	6
I'm a Celebrity...Get Me Out of Here!	ITV	01/12/2019	Religious/Beliefs discrimination/offence	2
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2019	Advertising minutage	1
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2019	Generally accepted standards	2
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2019	Sexual orientation discrimination/offence	1
I'm a Celebrity...Get Me Out of Here!	ITV	03/12/2019	Animal welfare	10
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2019	Generally accepted standards	31
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2019	Materially misleading	1
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2019	Religious/Beliefs discrimination/offence	1
I'm a Celebrity...Get Me Out of Here!	ITV	05/12/2019	Animal welfare	4
I'm a Celebrity...Get Me Out of Here!	ITV	05/12/2019	Generally accepted standards	2
Inside Prison: Britain Behind Bars	ITV	17/10/2019	Suicide and self harm	1
ITV News	ITV	30/09/2019	Generally accepted standards	1
ITV News	ITV	17/10/2019	Offensive language	1
ITV News	ITV	11/11/2019	Scheduling	4
ITV News	ITV	18/11/2019	Generally accepted standards	1
ITV News	ITV	20/11/2019	Generally accepted standards	1
ITV News	ITV	21/11/2019	Elections/Referendums	2
ITV News	ITV	22/11/2019	Elections/Referendums	1
ITV News	ITV	24/11/2019	Elections/Referendums	2
ITV News	ITV	25/11/2019	Elections/Referendums	8
ITV News	ITV	26/11/2019	Elections/Referendums	8
ITV News	ITV	26/11/2019	Generally accepted standards	1
ITV News	ITV	27/11/2019	Elections/Referendums	4
ITV News	ITV	28/11/2019	Elections/Referendums	1
ITV News	ITV	29/11/2019	Elections/Referendums	1

Programme	Service	Transmission Date	Categories	Number of complaints
ITV News	ITV	29/11/2019	Generally accepted standards	1
ITV News	ITV	29/11/2019	Violence	4
ITV News	ITV	01/12/2019	Elections/Referendums	1
ITV News	ITV	02/12/2019	Due impartiality/bias	1
ITV News	ITV	03/12/2019	Elections/Referendums	5
ITV News	ITV	04/12/2019	Elections/Referendums	1
Johnson v Corbyn: The ITV Debate	ITV	19/11/2019	Elections/Referendums	208
Johnson v Corbyn: The ITV Debate	ITV	19/11/2019	Generally accepted standards	3
Loose Women	ITV	19/11/2019	Materially misleading	1
Loose Women	ITV	20/11/2019	Materially misleading	5
Loose Women	ITV	22/11/2019	Elections/Referendums	1
Loose Women	ITV	25/11/2019	Race discrimination/offence	1
Loose Women	ITV	05/12/2019	Elections/Referendums	1
Lorraine	ITV	29/11/2019	Generally accepted standards	1
McCain's sponsorship of Emmerdale	ITV	22/11/2019	Generally accepted standards	1
Party Election Broadcast by the Labour Party	ITV	27/11/2019	Elections/Referendums	1
Party Election Broadcast by The Liberal Democrats	ITV	26/11/2019	Elections/Referendums	1
Peston	ITV	13/11/2019	Due accuracy	1
Peston	ITV	20/11/2019	Elections/Referendums	1
Peston	ITV	04/12/2019	Elections/Referendums	5
Take Me Out	ITV	26/10/2019	Race discrimination/offence	1
The Chase	ITV	16/11/2019	Race discrimination/offence	1
The ITV Election Debate	ITV	01/12/2019	Elections/Referendums	6
The ITV Election Interviews	ITV	19/11/2019	Elections/Referendums	1
The Jonathan Ross Show	ITV	23/11/2019	Generally accepted standards	1
The Leader Interviews – Tonight	ITV	28/11/2019	Elections/Referendums	1
The X Factor: Celebrity	ITV	16/11/2019	Sexual material	3
The X Factor: Celebrity	ITV	22/11/2019	Gender discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
The X Factor: Celebrity	ITV	30/11/2019	Violence	1
This Morning	ITV	31/07/2019	Race discrimination/offence	1
This Morning	ITV	29/10/2019	Exorcism, the occult and the paranormal	1
This Morning	ITV	22/11/2019	Generally accepted standards	1
This Morning	ITV	29/11/2019	Transgender discrimination/offence	2
This Morning	ITV	03/12/2019	Elections/Referendums	53
This Morning	ITV	03/12/2019	Generally accepted standards	1
This Morning	ITV	05/12/2019	Elections/Referendums	155
Tombola Arcade's sponsorship of I'm a Celebrity...Get Me Out of Here!	ITV	21/11/2019	Sponsorship credits	1
Good Morning Britain / Kay Burley at Breakfast	ITV / Sky News	26/11/2019	Elections/Referendums	1
Programming	ITV channels	Various	Elections/Referendums	1
ITV News Tyne Tees	ITV Tyne Tees	18/11/2019	Elections/Referendums	1
I'm a Celebrity...Get Me Out of Here!	ITV2	28/11/2019	Animal welfare	1
I'm a Celebrity: Extra Camp	ITV2	17/11/2019	Transgender discrimination/offence	3
I'm a Celebrity: Extra Camp	ITV2	22/11/2019	Materially misleading	1
I'm a Celebrity: Extra Camp	ITV2	24/11/2019	Offensive language	2
I'm a Celebrity: Extra Camp	ITV2	24/11/2019	Transgender discrimination/offence	1
I'm a Celebrity: Extra Camp	ITV2	29/11/2019	Generally accepted standards	2
All Elite Wrestling: Dynamite	ITV4	06/10/2019	Violence	1
Alla mot alla med Filip och Fredrik	Kanal 5 (Sweden)	06/11/2019	Offensive language	1
We're on the Pier	Latest TV Brighton	27/07/2019	Advertising/editorial distinction	1
Darren Adam	LBC 97.3 FM	19/11/2019	Elections/Referendums	1
David Lammy	LBC 97.3 FM	15/09/2019	Race discrimination/offence	1
Iain Dale	LBC 97.3 FM	26/11/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	15/10/2019	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
James O'Brien	LBC 97.3 FM	04/11/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	18/11/2019	Elections/Referendums	3
James O'Brien	LBC 97.3 FM	19/11/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	20/11/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	20/11/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	21/11/2019	Elections/Referendums	3
James O'Brien	LBC 97.3 FM	26/11/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	28/11/2019	Elections/Referendums	2
Maajid Nawaz	LBC 97.3 FM	17/11/2019	Elections/Referendums	1
Maajid Nawaz	LBC 97.3 FM	01/12/2019	Elections/Referendums	1
Matt Frei	LBC 97.3 FM	23/11/2019	Materially misleading	1
Nick Ferrari	LBC 97.3 FM	04/11/2019	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	22/11/2019	Elections/Referendums	1
Nick Ferrari	LBC 97.3 FM	26/11/2019	Elections/Referendums	1
Nick Ferrari	LBC 97.3 FM	28/11/2019	Elections/Referendums	1
Nick Ferrari	LBC 97.3 FM	29/11/2019	Elections/Referendums	2
Shelagh Fogarty	LBC 97.3 FM	05/11/2019	Due impartiality/bias	1
Shelagh Fogarty	LBC 97.3 FM	26/11/2019	Elections/Referendums	4
Steve Allen	LBC 97.3 FM	27/11/2019	Generally accepted standards	2
Steve Allen	LBC 97.3 FM	04/12/2019	Elections/Referendums	2
Punjabi Show	Link FM Sheffield	04/08/2019	Due accuracy	1
Kajal Show	Lyca Dilse Radio	23/10/2019	Competitions	1
The 40 Greatest Christmas Songs	MTV Xmas	17/11/2019	Flashing images/risk to viewers who have PSE	1
Programming	n/a	Various	Elections/Referendums	1
Programming	n/a	Various	Materially misleading	1
Sau Baat Ki Ek Baat	News18	08/11/2019	Hatred and abuse	1
The Truth About Franco	PBS	26/11/2019	Generally accepted standards	1
News	Premier Christian Radio	27/11/2019	Other	1
Programming	Radio Faza	04/10/2019	Advertising/editorial distinction	1
Christmas Secret Sound Competition	Radio Norwich / The Beach / North Norfolk Radio	02/12/2019	Gender discrimination/offence	1
Johnny Vaughan	Radio X	18/11/2019	Generally accepted standards	1
Johnny Vaughan	Radio X	20/11/2019	Harm	1
The Chris Moyles Breakfast Show	Radio X	22/11/2019	Gender discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Toby Tarrant	Radio X	18/09/2019	Competitions	1
10 Mein Hai Dum	Republic Bharat	10/11/2019	Generally accepted standards	1
Bullet 100	Republic Bharat	15/11/2019	Hatred and abuse	1
Poochta Hai Bharat Arnab Ke Saath	Republic Bharat	19/08/2019	Hatred and abuse	1
Poochta Hai Bharat Arnab Ke Saath	Republic Bharat	19/08/2019	Race discrimination/offence	1
Republic Bharat	Republic Bharat	24/09/2019	Generally accepted standards	1
Iron Angel	Retro Movies	14/11/2019	Scheduling	1
Catherine the Great	Sky Atlantic	Various	Religious/Beliefs discrimination/offence	1
Sky News (trailer)	Sky Cinema Christmas	25/11/2019	Elections/Referendums	1
All Out Politics	Sky News	21/11/2019	Elections/Referendums	2
All Out Politics	Sky News	27/11/2019	Elections/Referendums	1
All Out Politics	Sky News	28/11/2019	Elections/Referendums	1
All Out Politics	Sky News	29/11/2019	Elections/Referendums	1
Kay Burley at Breakfast	Sky News	25/11/2019	Due accuracy	1
Kay Burley at Breakfast	Sky News	26/11/2019	Elections/Referendums	2
Kay Burley at Breakfast	Sky News	28/11/2019	Elections/Referendums	3
Kay Burley at Breakfast	Sky News	03/12/2019	Elections/Referendums	3
Press Preview	Sky News	13/11/2019	Elections/Referendums	1
Press Preview	Sky News	18/11/2019	Race discrimination/offence	1
Press Preview	Sky News	25/11/2019	Elections/Referendums	1
Press Preview	Sky News	01/12/2019	Elections/Referendums	1
Sarah-Jane Mee	Sky News	02/12/2019	Elections/Referendums	1
Sky News	Sky News	27/10/2019	Elections/Referendums	1
Sky News	Sky News	29/10/2019	Due impartiality/bias	1
Sky News	Sky News	15/11/2019	Elections/Referendums	1
Sky News	Sky News	16/11/2019	Elections/Referendums	1
Sky News	Sky News	17/11/2019	Elections/Referendums	1
Sky News	Sky News	18/11/2019	Elections/Referendums	1
Sky News	Sky News	19/11/2019	Elections/Referendums	3
Sky News	Sky News	20/11/2019	Elections/Referendums	9
Sky News	Sky News	21/11/2019	Elections/Referendums	1
Sky News	Sky News	22/11/2019	Elections/Referendums	2
Sky News	Sky News	23/11/2019	Elections/Referendums	3

Programme	Service	Transmission Date	Categories	Number of complaints
Sky News	Sky News	24/11/2019	Elections/Referendums	6
Sky News	Sky News	25/11/2019	Elections/Referendums	2
Sky News	Sky News	26/11/2019	Elections/Referendums	7
Sky News	Sky News	27/11/2019	Elections/Referendums	8
Sky News	Sky News	28/11/2019	Elections/Referendums	2
Sky News	Sky News	28/11/2019	Generally accepted standards	1
Sky News	Sky News	29/11/2019	Elections/Referendums	2
Sky News	Sky News	29/11/2019	Generally accepted standards	2
Sky News	Sky News	30/11/2019	Elections/Referendums	3
Sky News	Sky News	01/12/2019	Elections/Referendums	3
Sky News	Sky News	02/12/2019	Elections/Referendums	1
Sky News	Sky News	02/12/2019	Sexual orientation discrimination/offence	1
Sky News	Sky News	03/12/2019	Elections/Referendums	3
Sky News	Sky News	04/12/2019	Elections/Referendums	2
Sky News	Sky News	04/12/2019	Generally accepted standards	1
Sky News	Sky News	05/12/2019	Elections/Referendums	1
Sky News	Sky News	Various	Elections/Referendums	2
Sky News at 10	Sky News	29/11/2019	Elections/Referendums	1
Sky News Tonight with Dermot	Sky News	02/12/2019	Elections/Referendums	1
Sophy Ridge on Saturday	Sky News	23/11/2019	Elections/Referendums	1
Sophy Ridge on Sunday	Sky News	01/12/2019	Elections/Referendums	1
The Campaign	Sky News	03/12/2019	Elections/Referendums	1
The Sarah-Jane Mee Show	Sky News	27/11/2019	Elections/Referendums	1
The View	Sky News	04/12/2019	Elections/Referendums	1
Russian Grand Prix Live	Sky Sports F1	29/09/2019	Undue prominence	1
Grand Slam Darts Live	Sky Sports Main Event	15/11/2019	Race discrimination/offence	1
Super Sunday	Sky Sports Main Event	01/12/2019	Religious/Beliefs discrimination/offence	1
Tesco advertisement	Sky Sports Main Event	24/11/2019	Political advertising	1
HSBC advertisement	Sky Sports News	05/12/2019	Political advertising	1
Dove's sponsorship of Sky Witness	Sky Witness	11/11/2019	Sponsorship	1
Karl Pilkington: The Moaning of Life	Sky1	21/11/2019	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Soccer AM	Sky1	23/11/2019	Offensive language	1
The Russell Howard Hour	Sky1	29/11/2019	Elections/Referendums	1
Tara from Satara	Star Plus	19/08/2019	Offensive language	1
Savdhaan India – India Fights Back	StarBharat	05/10/2019	Advertising minutage	1
Party Election Broadcast by the Scottish National Party	STV	25/11/2019	Elections/Referendums	1
Scotland Tonight	STV	27/11/2019	Elections/Referendums	1
STV News	STV	12/11/2019	Elections/Referendums	1
Julia Hartley Brewer	Talk Radio	22/11/2019	Gender discrimination/offence	1
The Late Night Alternative With Iain Lee	Talk Radio	28/11/2019	Other	1
The Sports Bar	Talksport	21/11/2019	Gender discrimination/offence	1
Secrets of Sex: Virgin School	Together	26/11/2019	Generally accepted standards	1
I Huvudet På en Mördare (In The Head Of a Killer)	TV3 (Sweden)	21/11/2019	Race discrimination/offence	1
Programming	Various	20/11/2019	Elections/Referendums	1
Programming	Various	Various	Generally accepted standards	1
Inside the Ambulance	W	24/11/2019	Generally accepted standards	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 ODPS¹

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	23/08/2019	Due accuracy	1
The Andrew Marr Show	BBC 1	29/09/2019	Materially misleading	1

¹ This Bulletin was amended after publication to correct a factual inaccuracy.

Programme	Service	Transmission Date	Categories	Number of complaints
Horizon: Britain's Next Air Disaster? Drones	BBC 2	01/07/2019	Materially misleading	1
Newsnight	BBC 2	05/06/2019	Due accuracy	1
Franco Building with Jonathan Meades	BBC 4	27/08/2019	Religious/Beliefs discrimination/offence	1
BBC News	BBC channels	01/08/2019	Due impartiality/bias	1
Today	BBC Radio 4	11/07/2019	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 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
Carillon Broadcasting Limited	Hermitage FM	Other	1
Flex FM Limited	Flex FM	Key Commitments	1
Radio Ashford Limited	Radio Ashford	Key Commitments	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	4Seven	03/12/2019	Advertising content	1
Advertisement	5USA	05/12/2019	Advertising content	1
Pauly's Shorts	73mate	26/11/2019	Outside of remit	1
Advertisement	All 4	27/11/2019	Advertising content	1
Roblox: The Last Guest	Amazon Video	23/11/2019	Protection of under 18s	1
BBC complaints website	BBC	n/a	Complaints handling	1
BBC Red Button	BBC	n/a	Outside of remit	3
BBC News	BBC 1	19/10/2019	Outside of remit	1
Breakfast	BBC 1	26/11/2019	Elections/Referendums	1
BBC News	BBC channels	Various	Outside of remit	1
Newswatch	BBC channels	19/07/2019	Outside of remit	1
Programming	BBC Sounds	Various	Outside of remit	1
Advertisement	Channel 4	24/11/2019	Advertising content	1
Advertisement	Channel 4	04/12/2019	Advertising content	1
Dubai 2019 World Para Athletics Championships	Channel 4	24/11/2019	Outside of remit	1
Junior Bake Off	Channel 4	22/11/2019	Outside of remit	1
Register to Vote infomercial	Channel 4	24/11/2019	Advertising content	1
The Channel 4 News Climate Debate	Channel 4	28/11/2019	Outside of remit	14
Advertisement	Dave	20/11/2019	Advertising content	1
Advertisement	Dave	25/11/2019	Advertising content	1
Live Snooker: UK Championship	Eurosport 1	04/12/2019	Outside of remit	1
BBC News	Facebook	05/12/2019	Outside of remit	1
Gemporia	Gems TV	01/12/2019	Teleshopping	1
Today with Ward	God Channel	24/11/2019	Outside of remit	1
Advertisement	Greatest Hits	22/11/2019	Advertising content	1
Teleshopping	Ideal World	27/11/2019	Teleshopping	1
Advertisement	ITV	08/11/2019	Advertising content	1
Advertisement	ITV	22/11/2019	Advertising content	1
Advertisement	ITV	24/11/2019	Advertising content	2
Advertisement	ITV	26/11/2019	Advertising content	1
Advertisement	ITV	28/11/2019	Advertising content	1
Advertisement	ITV	29/11/2019	Advertising content	2

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisement	ITV	30/11/2019	Advertising content	1
Advertisement	ITV	02/12/2019	Advertising content	2
Advertisement	ITV	04/12/2019	Advertising content	1
Advertisement	ITV	05/12/2019	Advertising content	1
Good Morning Britain	ITV	01/01/2005	Outside of remit	1
Good Morning Britain	ITV	02/12/2019	Outside of remit	1
Harry Potter	ITV	30/11/2019	Outside of remit	1
I'm a Celebrity...Get Me Out of Here!	ITV	29/11/2019	Outside of remit	2
I'm a Celebrity...Get Me Out of Here!	ITV	03/12/2019	Outside of remit	1
Judge Rinder	ITV	30/08/2000	Outside of remit	1
Lorraine	ITV	12/09/2019	Outside of remit	1
Switch	ITV	28/11/2019	Outside of remit	1
Advertisement	ITV / U105	18/10/2019	Advertising content	1
Non-editorial	ITV Hub	20/11/2019	Non-editorial	1
Advertisement	ITV2	02/12/2019	Advertising content	1
Supermarket Sweep	ITV2+1	02/12/2019	Outside of remit	1
Advertisement	LBC 97.3 FM	26/11/2019	Advertising content	1
n/a	LBC Website	29/11/2019	Hatred and abuse	1
Advertisements	n/a	05/12/2019	Advertising content	1
60 Days In	Netflix	28/11/2019	Generally accepted standards	1
Love Island Australia	Netflix	04/12/2019	Generally accepted standards	1
Hartlepool Utd v Borehamwood	Pools TV	23/11/2019	Outside of remit	1
Advertisement	Quest Red +1	03/12/2019	Advertising content	1
Sky News	Sky News	23/11/2019	Outside of remit	1
Advertisement	Sky Sports Main Event	23/11/2019	Advertising content	1
Advertisement	Sky1	28/11/2019	Advertising content	1
Teleshopping	TJC	27/11/2019	Teleshopping	1
n/a	Twitter	27/11/2019	Outside of remit	2
Advertisements	Various	28/11/2019	Advertising content	1
Secret Nazi Bases	Yesterday	29/11/2019	Outside of remit	1

[More information about what Ofcom's rules cover](#)

BBC First¹

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
BBC complaints	BBC	04/12/2019	Complaints handling	1
BBC News	BBC 1	01/11/2019	Elections/Referendums	1
BBC News	BBC 1	12/11/2019	Materially misleading	1
BBC News	BBC 1	20/11/2019	Elections/Referendums	1
BBC News	BBC 1	21/11/2019	Elections/Referendums	1
BBC News	BBC 1	22/11/2019	Elections/Referendums	1
BBC News	BBC 1	23/11/2019	Elections/Referendums	78
BBC News	BBC 1	25/11/2019	Elections/Referendums	1
BBC News	BBC 1	26/11/2019	Elections/Referendums	2
BBC News	BBC 1	28/11/2019	Elections/Referendums	1
BBC News	BBC 1	Various	Elections/Referendums	1
Breakfast	BBC 1	11/11/2019	Elections/Referendums	44
Breakfast	BBC 1	29/11/2019	Elections/Referendums	1
Breakfast	BBC 1	29/11/2019	Generally accepted standards	1
Christmas 2019 (trailer)	BBC 1	03/12/2019	Materially misleading	1
Christmas 2019 (trailer)	BBC 1	04/12/2019	Hypnotic and other techniques	1
Dublin Murders	BBC 1	Various	Religious/Beliefs discrimination/offence	1
Fake Britain	BBC 1	27/11/2019	Materially misleading	1
Have I Got News for You	BBC 1	08/11/2019	Elections/Referendums	1
Masterchef	BBC 1	19/11/2019	Materially misleading	1
Meat: A Threat to Our Planet?	BBC 1	25/11/2019	Due accuracy	1
Meat: A Threat to Our Planet?	BBC 1	25/11/2019	Materially misleading	5
Michael McIntyre's Big Show	BBC 1	23/11/2019	Generally accepted standards	1

¹ This Bulletin was amended after publication to correct a factual inaccuracy.

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Michael McIntyre's Big Show	BBC 1	30/11/2019	Generally accepted standards	1
Newsnight	BBC 1	19/11/2019	Elections/Referendums	1
Our Next Prime Minister	BBC 1	18/06/2019	Due impartiality/bias	1
Panorama – War Crimes Exposed	BBC 1	18/11/2019	Materially misleading	1
Programming	BBC 1	03/12/2019	Elections/Referendums	1
Question Time	BBC 1	07/11/2019	Elections/Referendums	1
Question Time	BBC 1	21/11/2019	Elections/Referendums	3
Question Time: Leaders Special	BBC 1	19/11/2019	Elections/Referendums	1
Question Time: Leaders Special	BBC 1	22/11/2019	Elections/Referendums	31
Reporting Scotland	BBC 1	29/11/2019	Elections/Referendums	1
Strictly Come Dancing	BBC 1	23/11/2019	Materially misleading	1
Strictly Come Dancing	BBC 1	24/11/2019	Nudity	1
Sunday Morning Live	BBC 1	24/11/2019	Race discrimination/offence	1
The Andrew Marr Show	BBC 1	01/12/2019	Elections/Referendums	25
The Andrew Neil Interviews	BBC 1	26/11/2019	Elections/Referendums	12
The Graham Norton Show	BBC 1	27/09/2019	Generally accepted standards	1
The Mallorca Files	BBC 1	25/11/2019	Offensive language	2
South Today	BBC 1 (Oxfordshire)	28/11/2019	Elections/Referendums	1
BBC Newsroom Live	BBC 2	21/11/2019	Elections/Referendums	1
FA Cup: Maldon v Newport	BBC 2	29/11/2019	Offensive language	1
Newsnight	BBC 2	21/11/2019	Elections/Referendums	1
Politics Live	BBC 2	11/11/2019	Elections/Referendums	1
Politics Live	BBC 2	26/11/2019	Elections/Referendums	1
Politics Live	BBC 2	05/12/2019	Elections/Referendums	1
The Andrew Neil Show	BBC 2	27/11/2019	Elections/Referendums	1
Victoria Derbyshire	BBC 2	29/11/2019	Elections/Referendums	1
Victoria Derbyshire	BBC 2	29/11/2019	Generally accepted standards	2
World Athletics Championships	BBC 2	29/09/2019	Generally accepted standards	1
BBC News	BBC channels	25/11/2019	Elections/Referendums	2
BBC News	BBC channels	26/11/2019	Elections/Referendums	2
BBC News	BBC channels	27/11/2019	Elections/Referendums	1
BBC News	BBC channels	Various	Due impartiality/bias	2
BBC News	BBC channels	Various	Elections/Referendums	4
Programming	BBC channels	10/11/2019	Elections/Referendums	1
Programming	BBC channels	11/11/2019	Elections/Referendums	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Programming	BBC channels	25/11/2019	Elections/Referendums	2
Programming	BBC channels	26/11/2019	Elections/Referendums	1
Programming	BBC channels	27/11/2019	Elections/Referendums	1
Programming	BBC channels	30/11/2019	Elections/Referendums	1
Programming	BBC channels	01/12/2019	Elections/Referendums	1
Programming	BBC channels	Various	Elections/Referendums	2
Question Time	BBC iPlayer	23/11/2019	Elections/Referendums	1
Afternoon Live	BBC News Channel	26/11/2019	Elections/Referendums	1
BBC News	BBC News Channel	07/10/2019	Due accuracy	1
BBC News	BBC News Channel	13/11/2019	Elections/Referendums	1
BBC News	BBC News Channel	23/11/2019	Elections/Referendums	1
BBC News	BBC News Channel	27/11/2019	Elections/Referendums	1
Greg James	BBC Radio 1	19/11/2019	Sexual material	1
BBC News	BBC Radio 3	26/11/2019	Elections/Referendums	1
Profile	BBC Radio 4	30/11/2019	Elections/Referendums	1
Today	BBC Radio 4	05/10/2019	Race discrimination/offence	2
Today	BBC Radio 4	07/11/2019	Elections/Referendums	1
Today	BBC Radio 4	13/11/2019	Elections/Referendums	1
Politics Live	BBC2	03/12/2019	Elections/Referendums	1
Programming	Various	29/11/2019	Elections/Referendums	1
Various	Various	26/11/2019	Elections/Referendums	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.

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

Programme	Service	Transmission date
The Unremembered	Channel 4	10/11/2019
Nigel Farage	LBC 97.3 FM	13/10/2019
News	Republic Bharat	03/12/2019
Poochta Hai Bharat	Republic Bharat	Various
The Debate with Arnab Goswami	Republic Bharat	22/10/2019

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

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

Programme	Service	Transmission date
Breaking News	Geo News	11/06/2019

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

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

Licensee	Licensed Service
B.R.F.M. Bridge Radio Limited	BRFM 95.6 FM
The Pakistan Muslim Centre (Sheffield) Limited	Link FM

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