

Ofcom Broadcast Bulletin

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Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives¹. Ofcom must include these standards in a code or codes. These are listed below. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act².

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by ATVOD and the ASA on the basis of their rules and guidance for ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”).
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
 - the prohibition on ‘political’ advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
 - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising³.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) rules and guidance for both [editorial content and advertising content on ODPS](#). Ofcom considers sanctions in relation to ODPS on referral by the Authority for Television On-Demand (“ATVOD”) or the Advertising Standards Authority (“ASA”), co-regulators of ODPS for editorial content and advertising respectively, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters and ODPS, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant

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.

licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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

Standards cases

In Breach

In Conversation with Lutfur Rahman

The Islam Channel, 6 March 2014, 21:00

Introduction

The Islam Channel broadcasts on digital satellite and is directed at a largely Muslim audience in the UK. Its output ranges from religious instruction programmes to current affairs and documentary programmes. The licence for The Islam Channel is held by Islam Channel Limited (“Islam Channel” or “the Licensee”).

A complainant alerted Ofcom to the programme *In Conversation with Lutfur Rahman* on The Islam Channel, which featured an interview with Lutfur Rahman, the Executive Mayor of Tower Hamlets in London¹. The complainant objected to “a disproportionate amount of time” being given in this programme to Lutfur Rahman ahead of the Tower Hamlets Mayoral election taking place on 22 May 2014.

Ofcom noted that the programme was of 25 minutes duration, and featured Mr Rahman being asked questions about his record as Mayor of Tower Hamlets by an interviewer in a studio. Questions were asked on a range of topics, including housing, education and crime.

During the interview, Mr Rahman made a range of statements relating to his policies and record as Executive Mayor of Tower Hamlets, as follows:

Statement 1:

“A lot of the things we’ve done over the last, you know, three and a half years, we can say we believe has begun to make a difference for the people of Tower Hamlets. For me, housing is a key priority. We have so many people on the waiting list, some 23,000 people on the waiting list, and many of those families are in overcrowded households. So trying to deliver large family-sized homes, trying to deliver as many homes as possible so that people feel they have a decent roof over their heads is important to me. So, as an administration we’ve worked in partnership with RSLs [Registered Social Landlords] and other partners and we’ve delivered just under three and a half thousand new homes. And you probably know we’re the biggest recipients of the New Homes Bonus, some 50 million pounds, as a local authority”.

Statement 2:

“And what we’ve done is tried our best to cushion our communities from the cuts from central government. Obviously, we are dependent on central government for finances, for our budget, so there is a limitation in what we can do. I’ll give you one example, what we’ve done is the council tax benefit subsidy. Although the Government has taken it away, we’ve absorbed the cuts centrally, and have said we’ll find the three million pounds from the council savings, from our own resources, so that we pass on the benefits to the community. As a result, can I

¹ Lutfur Rahman, the first directly elected Executive Mayor of Tower Hamlets, was elected to office on 21 October 2010.

just say, 25,000 people who are on low income have benefited. 10,000 pensioners have benefited. So, if we didn't provide that subsidy these people would have had to find that money from their own pockets to pay the council tax".

Statement 3:

"This year alone, 800 of our students went to university, and many of them are women, and many of them are from a BAME [Black and Minority Ethnic] background, and that clearly shows our commitment to education. A £380 million programme to either refurbish, build, equip our schools...we are building new schools...We've got a number of primary schools which have been refurbished, expanded or rebuilt in order to make sure that our kids have the best start in life".

Statement 4:

"As a local authority, we have invested over the last 10 years...we have invested in our schools; we have the best schools, we have expanded our schools. And let me just say this to you: the £380 million – the Schools Building for the Future Programme – has been money spent in our schools to make sure our kids get the best start in life".

Statement 5:

"We, as a local authority, we want to do as much as we can, but we have to work in partnership. Jobs also depends on the economic cycle, the national circumstances. We are in a bad economic condition over the last five or six years. Obviously, we cannot create jobs in thousands, but we have worked in partnership. The Olympics is a good example. During the Olympic period, we were able to lever in, agree with the Olympic Authority, to get 4,000 people into jobs into the Olympic site".

Statement 6:

"As a local authority, we have invested in front-line policing...As a borough we have invested some three million pounds. We have bought 35 police officers ourselves, as a local authority. We have also invested in, what we call Tower Hamlets Enforcement Officers...We have invested in some 40 Tower Hamlets Enforcement Officers – THEOs – so between 35 police officers and 40 THEOs, we want to ensure, as much as possible, that we not only fight crime, and also fear of crime. And you may also know that we have a dedicated scheme called 'A Dealer a Day', where we have a partnership with the police, the police we've purchased from the Metropolitan Police, that they must arrest at least a dealer a day, so that we can also fight the fear of drugs and drug pushing in the local authority".

Statement 7:

"We are involved in, as I said, delivering on housing, education, community safety. And if we weren't in this position, how could we have delivered three and a half thousand new homes, most of them social affordable homes, family-sized homes for our borough. How could we have met the needs of our youngsters, trying to ensure and push as many youngsters into universities as possible, so that it's life changing for them and their families, and you create a better society".

In light of these examples and as discussed in more detail below, it was Ofcom's view that this programme was dealing with a matter of political controversy and a matter relating to current public policy i.e. the political debate surrounding the policies and actions of the Mayor of Tower Hamlets, Mr Rahman. We therefore considered this content raised issues warranting investigation under the following rule of the Code:

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

We therefore asked the Licensee for its comments on how the content complied with this rule.

Response

By way of background, Islam Channel said that it produces programmes from "an Islamic perspective" and Lutfur Rahman's role as an elected Muslim Mayor: "is an important milestone". It added that its audience: "expects a success story such as that of Lutfur Rahman's story is showcased as an example of achievement, role model and what can be achieved through the democratic process".

The Licensee said that the *In Conversation* series: "explores the biography of the person with his/her achievements and shortcomings". This particular edition of the series was an interview with Lutfur Rahman: "as a resident of the borough [i.e. Tower Hamlets] who benefited from the resources in the borough and utilized them to the maximum to become a Mayor from a borough council [or and lawyer]". Islam Channel said that in the interview alternative viewpoints were summarised by the interviewer with due objectivity and within the context of the programme: "as a 'biography' of a person in an exemplary role".

Islam Channel also provided its comments in relation to the various statements identified by Ofcom in the Introduction.

Statement 1:

The Licensee said that in this statement, Lutfur Rahman was responding to a question about his tenure as Mayor. It added that within this statement, Lutfur Rahman: "qualifies his own achievements and underperformance by stating that there are a high proportion of people on the waiting list and that overcrowding still exists after three and a half years [and] housing is still an issue".

Statement 2:

Islam Channel said this had been: "balanced by the previous statement".

Statement 3:

The Licensee said that this was the reply: "to the interviewer's critical question about, 'Are there enough primary schools because we know there is a shortage'". It added that Lutfur Rahman's reply: "shows that there is a shortage which is being addressed by development of new schools".

Statement 4:

Islam Channel said that prior to this statement, the programme featured a: “critical statement from the shadow education minister Tristram Hunt saying that there has been ‘a lack of investment in education which is why there is a shortage of classrooms spaces for young children in the borough’”.

Statement 5:

The Licensee said that Lutfur Rahman “himself acknowledges shortcomings in this area by his words, ‘We cannot create jobs in their thousands’”, which it described as: “an expression of the Mayor’s own criticism of himself”.

Statement 6:

Islam Channel said that during this statement, the interviewer intervened by saying “is that really what is needed?” and questioned: “the Mayor’s approach with a second and further question, ‘by seeing a police presence?’”.

The Licensee added that immediately following Statement 6, the interviewer also referred to “an article in the Bangla Mirror and an article by John Biggs²”, which according to Islam Channel criticised the policies of Lutfur Rahman and especially “highlighting that crime has risen in the borough”.

Statement 7:

The Licensee said that this was: “an open, general statement on housing, education etc for a better society which all political complexities want to deliver”.

The Licensee also said it had scheduled a series of programmes: “further highlighting aspects of the community with the expectation that a series of contrasting views will be brought to the fore”. Islam Channel said this series of programmes took account of “Ofcom’s requirement” for preserving due impartiality through: “more than one programme dealing with the same or related issues aimed at a like audience”. In summary, it said that between 6 May 2014 and 15 May 2014³, it had broadcast editions of a programme, *In Focus Special*, with each 30 minute programme constituting an interview with the following candidates in the 2014 Tower Hamlets Mayoral elections: John Biggs, the Labour Party candidate; Lutfur Rahman; Chris Wilford, the Conservative Party candidate; and Reetendranath Banerji, the Liberal Democrat candidate. It added that all four of these interviews were additionally shown “back to back” on 20 May 2014. The Licensee added that an edition of its programme *Compass* was broadcast on 14 May 2014, which covered a candidates’ hustings event.

Islam Channel made several points as to how the programme in this case (*In Conversation*) was editorially linked to the series of *In Focus Special* described

² John Biggs was the Labour Party candidate standing against Lutfur Rahman in the 22 May 2014 Tower Hamlets Mayoral election.

³ According to the Licensee, the editions of *In Focus Special* that included interviews with the different candidates were broadcast as follows: John Biggs (Labour Party): 6 May 2014; Lutfur Rahman: 13 May 2014; Chris Wilford (Conservative Party): 15 May 2014; and Reetendranath Banerji (Liberal Democrat): 15 May 2014.

above. Firstly, both programmes had: “an identical mandate because they both interview[ed] senior protagonists”. Second, the *In Focus Special* series was broadcast: “within an appropriate period of broadcast after *In Conversation*”. Third, the Licensee said that: “when a decision was taken to transmit ‘*In Conversation*’...due consideration was given to the forthcoming Tower Hamlets Elections on 22 May 2014 and the broadcast restrictions which would come into play on 14 April 2014”⁴. Therefore, according to Islam Channel, the *In Focus Special* programmes “had already been scheduled as part of the channel’s election programming during the period following” the programme in this case and “leading up to the elections” on 22 May 2014.

In relation to the content of the various *In Focus Special* interviews, Islam Channel said that during the interviews with the candidates of the Conservative Party, Labour Party and Liberal Democrats, these candidates were “encouraged to challenge the incumbent mayor’s track record on issues” such as housing, education and employment. Specifically in relation to the edition of *In Focus Special* broadcast on 13 May 2014 in which Lutfur Rahman was interviewed, the Licensee said that: “the Mayor was subject to a separate more vigorous and robust one-to-one interview exploring the issues relating to ‘political or industrial controversy and matters relating to current public policy’ in greater depth sufficient to meaningfully challenge the Mayor’s track record”.

In summary, in relation to its representations on linked programming, Islam Channel said that as: “Air time has been given to Lutfur Rahman *In Conversation*...Islam Channel was mindful of the need to preserve impartiality. A more robust interview with Lutfur Rahman and interviews with other Mayoral candidates in *In Focus Special* show how a considered approach was applied to due impartiality.”

In conclusion, Islam Channel said that the programme in this case “was an inspirational programme about a Muslim man who is also a Mayor” and was duly impartial.

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that the special impartiality requirements set out in section 320 of the Act are complied with. This objective is reflected in Section Five of the Code.

Broadcasters are required to comply with the rules in Section Five to ensure that the impartiality requirements of the Act are complied with, including that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

When applying the requirement to preserve due impartiality, Ofcom must take into account Article 10 of the European Convention on Human Rights. This provides for the broadcaster’s and audience’s right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without undue interference by public authority. The broadcaster’s right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to

⁴ In accordance with the rules in Section Six (Elections) of the Code, the “election period” for the Tower Hamlets Mayoral election within which those rules applied commenced on 14 April 2014.

freedom of expression on one hand, with the requirement in the Code to preserve “due impartiality” on matters relating to political or industrial controversy or matters relating to current public policy.

Section Five of the Code acts to limit, to some extent, freedom of expression because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. Therefore, while any Ofcom licensee has the freedom to discuss any controversial subject or include particular points of view in its programming, broadcasters must always comply with the Code.

In reaching decisions concerning due impartiality, Ofcom underlines that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality. Any broadcaster may do this provided it complies with the Code.

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

Depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints in an appropriate way to ensure that Rule 5.5 is complied with. In addition, in judging whether due impartiality has been preserved in any particular case, the Code makes clear that the term “due” means adequate or appropriate to the subject matter and takes account of context. Therefore “due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of the argument has to be represented. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures due impartiality is maintained.

Ofcom first considered whether the requirements of Section Five of the Code applied in this case: that is, whether this programme concerned matters of political or industrial controversy or matters relating to current public policy. This programme lasted 25 minutes and featured Mr Rahman being given the opportunity to speak at length about his policies and actions since becoming the elected Mayor of Tower Hamlets in October 2010, as detailed in the Introduction. During the programme, Mr Rahman was asked by the interviewer what he and his administration had achieved since his election in a range of policy areas. In our view, this programme clearly dealt with a matter of political controversy or matters relating to current public policy, namely, the political debate surrounding the policies, actions and record of the Mayor of Tower Hamlets, Mr Rahman. We therefore considered that the rules in Section Five were engaged. Ofcom went on to assess whether the programme preserved due impartiality by, for example, containing sufficient alternative viewpoints.

In our view, this programme presented a one-sided treatment of the policies and record of Mr Rahman in his role as Mayor of Tower Hamlets. This was due to the following factors.

Firstly, in our view Mr Rahman was given numerous opportunities, as set out in the Introduction, to put forward his position on his policies and record, at length and largely uninterrupted and unchallenged. Overall the programme gave him a platform to promote himself as a local politician in Tower Hamlets. At times, including examples as identified by Islam Channel, Mr Rahman did acknowledge some

practical difficulties he had faced in implementing his policies. For example, Mr Rahman used phrases such as the following:

Within Statement 1:

“We have so many people on the waiting list, some 23,000 people on the waiting list, and many of those families are in overcrowded households.”

Within Statement 2:

“We are dependent on central government for finances, for our budget, so there is a limitation in what we can do”.

Within Statement 5:

“Obviously, we cannot create jobs in thousands”.

In our view, however, these few statements were insufficient to balance the large number of detailed statements made by Mr Rahman in which he described, in positive terms, his achievements while in office.

Second, we considered that many of the questions put by the interviewer to Lutfur Rahman were couched in terms that could be reasonably characterised as not seeking to challenge Mr Rahman. By way of illustrative example, we noted the following:

“The first thing I want to ask you is about some of your best achievements over your tenure in office over the last few years?”

“Some of the priorities you did set out, housing being one of them, for instance how would you tackle things like the recent cuts in housing benefits?”

“Jobs, the skills match service. Can you tell me very, very briefly what that is?”

“What is your relationship like with the Labour Party now?”

“After being elected, over the last few years, what has the reception been like from the local community in Tower Hamlets towards you?”

We considered that the large majority of the questions posed by the interviewer to Mr Rahman could not reasonably be described as challenging Mr Rahman, or as posing alternative viewpoints, on his policies and record. They simply provided him in our opinion with an opportunity to explain and promote his policies and record.

During the programme, the interviewer did pose some questions which could be seen as more critical of Mr Rahman and his policies, or as making brief reference to the viewpoints of another political party. For example, we noted the following instances of

more critical questions put by the interviewer to Lutfur Rahman (“LR”) which were identified by the Licensee in its response to Ofcom (see underlined words in the examples below).

Immediately prior to Statement 3, there was the following exchange:

Interviewer: *“Talking about the most vulnerable, looking at your other priorities, we’ve got here from your site: education. Now, we know that Tower Hamlets is a very young borough. You talk about colleges, new colleges, 31 local primary schools are also being improved. But are there enough primary schools, because we do know that there is a shortage?”*

LR: *“Education has been a personal priority for me, it’s been a passion for me. It gave me a chance in life, like it gave many of our youngsters a chance in life, who grew up in this borough. And we have to continuously make sure that we produce the best results wherever possible”.*

Immediately prior to Statement 4, there was the following exchange:

Interviewer: *“The Shadow Education Minister, Tristram Hunt, has blamed lack of investment in education as to why there’s a shortage of classroom spaces for young kids in the borough?”*

LR: *“Absolutely rubbish! Yeah? If [Tristram Hunt] went around to our schools, spoke to our parents, spoke to our head teachers, spoke to council staff who’ve worked in this council for the last 25, 30 years, who have dedicated their whole, entire life to serving the people of this borough in education, yeah, he will very much know, rather than a propaganda from a few interested and self-interested groups, he would know very well that as the local authority, we have invested over the last 10 years”.*

Immediately prior to Statement 6, there was the following exchange:

Interviewer: *“Regarding community safety, you want to see more police officers on to our streets. Is that really what’s needed?”*

LR: *“Well absolutely. We want our community to feel safe. We want our mothers to feel safe. Our elders to feel safe. We want our kids to go to school or go out in the evening...”.*

Interviewer: *“By seeing a police presence?”*

LR: *“Well it’s deterrence certainly. And I think it has shown that if there are constables on the streets, if there are people who provide safety – more of them on the street – it acts as deterrence, not only in combating crime but in terms of trying to combat the fear of crime, and being a deterrence.”*

Immediately following Statement 6, there was the following exchange between the interviewer and Lutfur Rahman:

Interviewer: *“Well talking about crime, I have got this newspaper here, the Bangla Mirror, in which John Biggs⁵ has said crime has risen 1.4%. Under the current mayor, he says, crime has gone up in Tower Hamlets. I’ve got the paper here. What have you got to say about that?”*

LR: *“I find that quite astonishing because the Metropolitan Police, its own data reinforces what we’ve said all along that investment in the police, investment in front line services to combat crime and fear of crime has paid off. We have all along believed, and now the data has reinforced that, crime has gone down in Tower Hamlets, has gone down by some seven per cent. So the misinformation, the untrue statements that comes out from various channels, who have a vested interest in pushing this misinformation, they should listen, they should read and look at the actual statistics which clearly bears out the fact that crime has gone down in the borough”.*

In addition to the above examples of critical questions identified by Islam Channel, we also noted the following example of an exchange in which, to some extent, the interviewer posed two linked questions (see underlined below) to Lutfur Rahman that could be described as being more critical of Mr Rahman:

Interviewer: *“It’s been suggested that you have close links to the Islamic Forum of Europe. Why do you think your rivals focus on this, and do you think there’s any relevance to that?”*

LR: *“Well, I think you should ask them that question, but what I would say to them is this: that I think the Islamic Forum of Europe is part and parcel and very important member of our community, an organisation, with any other organisation, from the Jewish community, or from the Christian community plays a very important role in the social welfare issues of our community. We want to see a better Tower Hamlets, we want to see our kids have the best opportunity”.*

Interviewer: *“This is something that’s been documented in documentaries, in national newspaper articles, as well as, you know, your opposing candidates, you know, speaking about this. You know, we’ve heard Jim Fitzpatrick⁶ make comments on this, a number of people. Why is there this focus?”*

LR: *“Well, I want to say that I have worked with each and every organisation in the borough, I’ve worked with them, as a councillor, as a leader, as a resident. You can’t ignore anyone. You must work with them. My predecessors have also worked with the IFE [Islamic Forum for Europe], like they have worked with any other organisation. And we want to see a better Tower Hamlets. What I will say to those who say that I have a special link with any certain organisation is that look at my relationship, examine my relationship. My relationship is to see a better Tower Hamlets. Whoever comes along and says, ‘look, we want to work with you, we want to support you in delivering for the people of Tower Hamlets’, of course, I will want to work with them. So, yes, I have worked with IFE like any other organisation, and I will*

⁵ See footnote 2

⁶ Jim Fitzpatrick is the Labour Party MP for Poplar and Limehouse.

continue to work with the people of Tower hamlets and make Tower Hamlets a better place”.

We considered that the interviewer’s questions outlined above were, to some extent, couched in a more critical tone, and on two occasions made brief references to the viewpoint on Mr Rahman and his policies of two members of the Labour Party: John Biggs, the Labour Party candidate in the 22 May 2014 Tower Hamlets Mayoral election, and the Labour Party MP, Jim Fitzpatrick. However, we did not consider the interviewer’s questions were sufficient in tone, nature and number to balance the large amount of the programme in which Mr Rahman set out his position on his policies and record, at length and largely unchallenged and uninterrupted.

In reaching our Decision, we took into account the Licensee’s other representations in relation to particular statements made by Lutfur Rahman within the programme. For example, the Licensee said that Statement 2 had been: “balanced by the previous statement”. We noted that the question that prompted Statement 2, as well as Lutfur Rahman’s words prior to Statement 2 were as follows (see underlined):

Interviewer: “Speaking of some of the priorities you did set out, housing being one of them, for instance, how would you tackle the recent cuts in things like housing benefits?”

LR: “Well it’s devastating. Well, I believe what the Government has done has been heartless. It affects the most vulnerable people in our community, and many of them are women, single mothers. And what we’ve done is tried our best to cushion our communities from the cuts from central government. Obviously, we are dependent on central government for finances, for our budget, so there is a limitation in what we can do. I’ll give you one example, what we’ve done is the council tax benefit subsidy. Although the Government has taken it away, we’ve absorbed the cuts centrally, and have said we’ll find the three million pounds from the council savings, from our own resources, so that we pass on the benefits to the community. As a result, can I just say, 25,000 people who are on low income have benefited. 10,000 pensioners have benefited. So, if we didn’t provide that subsidy these people would have had to find that money from their own pockets to pay the council tax”.

We considered that the wording underlined, which related to UK Government policy, could not reasonably be said to have provided balance to Statement 2 in which Lutfur Rahman, as elsewhere in the programme, was able to set and promote details of his particular policies

Islam Channel also said that Statement 7 was an: “an open, general statement on housing, education etc for a better society which all political complexities want to deliver”. We disagreed. Rather than being a “general statement on housing, education etc” Lutfur Rahman made a specific reference to, for example, having: “delivered three and a half thousand new homes, most of them social affordable homes, family-sized homes for our borough”. We therefore considered that this statement clearly related to specific policy achievements of Lutfur Rahman’s administration in Tower Hamlets.

We also took account of the Licensee’s other representations in this case.

Firstly, we noted that Islam Channel said that: it produces programmes from “an Islamic perspective”; Lutfur Rahman’s role as an elected Muslim Mayor “is an important milestone”; and that its audience: “expects a success story such as that of Lutfur Rahman’s story is showcased as an example of achievement, role model and what can be achieved through the democratic process”. Ofcom recognises that, in line with likely audience expectations, a channel serving the UK Islamic community would want to broadcast programming featuring the first directly elected Muslim Mayor in the UK. However, these factors did not obviate the need to preserve due impartiality in doing so.

Second, the Licensee said that the *In Conversation* series: “explores the biography of the person with his/her achievements and shortcomings”. It added that this particular edition of the series was an interview with Lutfur Rahman: “as a resident of the borough [i.e. Tower Hamlets] who benefited from the resources in the borough and utilized them to the maximum to become a Mayor from a borough council[]or and lawyer”. Ofcom underlines that broadcasters are free to broadcast programmes that focus on the biographical and non-political background to politicians’ lives. However, depending on the details of what is discussed in a particular case, it may be necessary to reflect alternative viewpoints as appropriate. In this case, we noted that this programme did focus in part on some biographical and non-political aspects of Lutfur Rahman’s life. As such, these parts of the programme were not dealing with politically controversial matters. However, in our view, the large majority of this programme was dealing with a matter of political controversy and a matter relating to current public policy - namely, the political debate surrounding the policies, record and actions of the Mayor of Tower Hamlets, Mr Rahman. Therefore, Section Five had to be complied with.

Third, the Licensee made a number of points in relation how it said it had preserved due impartiality over a series of programmes taken as a whole (i.e. more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience). In relation to this point, we considered that a key contextual factor in this case was that this programme was broadcast less than three months before the Mayoral election for Tower Hamlets on 22 May 2014. Therefore, even though the rules in Section Six (elections)⁷ of the Code did not apply, Ofcom would expect any licensee in such circumstances to take into account that it was broadcasting an interview with a candidate in an important and controversial mayoral election in relatively close proximity to the commencement of the election period for that poll.

We also noted that the Licensee said it had scheduled a series of programmes: “further highlighting aspects of the community with the expectation that a series of contrasting views will be bought to the fore”. Islam Channel said that because: “Air time has been given to Lutfur Rahman *In Conversation*...Islam Channel was mindful of the need to preserve impartiality”. Therefore, it said that it broadcast “A more robust interview with Lutfur Rahman” as well as interviews with three other candidates⁸ in the 2014 Tower Hamlets Mayoral election. We noted these four interviews were broadcast during the election period for that election, in the period 6 May 2014 to 20 May 2014, and that Islam Channel broadcast a candidates’ hustings event in relation to the Tower Hamlets Mayoral election, on 14 May 2014.

⁷ In relation to the 22 May 2014 Tower Hamlets Mayoral election, the rules in Section Six came into force on 14 April 2014.

⁸ See footnote 3.

We also took account of the various arguments made by Islam Channel as to how, in its view, the programme in this case (*In Conversation*) was editorially linked to the series of *In Focus Special* described above. For example, the Licensee said that “when a decision was taken to transmit ‘*In Conversation*’...due consideration was given to the forthcoming Tower Hamlets Elections on 22 May 2014”. It said that the *In Focus Special* programmes transmitted in May 2014 were broadcast “within an appropriate period” of the original programme in this case, on 6 March 2014.

Ofcom considered however (contrary to the Licensee) that the various editions of *In Focus Special* did not fulfil the definition of a “series of programmes taken as whole”⁹ in relation to Rule 5.5 of the Code. This is because the *In Focus Special* programmes were broadcast a full two months after the programme in this case, a period of time which we did not consider to be an “appropriate period” in the context of Rule 5.5. In addition, the Licensee did not provide any evidence as to how, consistent with Rule 5.6¹⁰ of the Code, it had ensured that the original 6 March 2014 programme in this case was clearly signalled to the audience as being editorially linked (for the purposes of Rule 5.5) with the editions of *In Focus Special* broadcast two months later. Therefore, we considered that, the broadcaster had not reflected alternative views on the political debate surrounding the policies and actions of Lutfur Rahman in any series of programmes taken as whole (i.e. more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience).

For all the reasons above, Ofcom concluded that Islam Channel failed to preserve due impartiality as required by Section Five of the Code. This programme therefore breached Rule 5.5 of the Code.

Breach of Rule 5.5

⁹ The Code defines “series of programmes taken as a whole” as: “more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience”.

¹⁰ Rule 5.6 states: “The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

In Breach

Hostel 2 (trailer)

PRO4, 28 March 2014, 16:00

Behind Enemy Lines 2 (trailer)

PRO4, 28 April 2014, 12:45

Introduction

PRO4 is a general entertainment channel licensed by Ofcom for transmission in Europe and broadcasting in Hungarian. The licence is held by CEE Broadcasting Limited (“the Licensee”).

Ofcom was alerted by a complaint to scenes of violence in trailers broadcast in the daytime for the films *Hostel 2* and *Behind Enemy Lines 2*.

The trailer for *Hostel 2* was broadcast around 16:00 on Friday 28 March, during an advertising break in the sitcom *Banánhéj*. Rated ‘18’ by the BBFC, *Hostel 2* is a horror film about backpackers being tortured for sport, and includes very strong scenes of violence, torture and bloodshed. The trailer was approximately 30 seconds in duration and showed a fast-paced montage of clips from the film suggestive of these themes, including images of a woman being grabbed and with a bag thrown over her head, a woman gagged hanging upside down, women bound and gagged, a scythe and angle grinder being wielded, scenes of blood on walls and dripping on a candle, bloodied faces, and with accompanying audio of women screaming in fear.

The trailer for *Behind Enemy Lines 2* was broadcast around 12:45 on Monday 28 April and ran for approximately 30 seconds. The film is rated ‘15’ by the BBFC and is an action thriller about Navy Seals fighting to survive after an aborted mission leaves them stranded. The trailer included a montage of scenes of warfare and a brief torture scene depicting one of the characters being held captive, under interrogation, with a large nail being driven into his hand by a blow from a hammer. In the accompanying audio, viewers heard the hammer strike and the soldier’s cry of pain.

Ofcom considered that the material warranted investigation under the following Code rule:

Rule 1.3: “Children must...be protected by appropriate scheduling from material that is unsuitable for them.”

We therefore requested comments from the Licensee as to how this material complied with this rule.

Response

The Licensee said that PRO4 is a channel targeted at men aged over eighteen. The channel predominantly broadcasts films in the genres of thriller, action and war. It said the channel is not intended to appeal to a younger audience and that audience viewing figures indicate it does not attract children. It also said that for the first five months of 2014, the average share for the channel in the age group 4-17 was 3.77%.

Hostel 2 (trailer)

The Licensee said that audience viewing figures recorded no children in the audience when the trailer was broadcast, therefore it did not believe that any children actually saw the trailer. Nonetheless, it accepted the trailer was too violent for scheduling before the watershed. It said that its staff had been reminded that the scheduling of trailers requires special care, as the content of a particular film may mean any trailer promoting it “may not be appropriate for scheduling across the entire broadcast day.”

Behind Enemy Lines 2 (trailer)

The Licensee considered that the trailer was appropriately scheduled.

It said that the trailer was broadcast at 12:45 during the school term time. It also said that viewing figures indicated no children were in the audience when the trailer was broadcast.

It did not consider that the contents of the trailer, broadcast during a crime show, were likely to cause offence to the target audience for PRO4, as detailed above.

The Licensee added that as this was a trailer, it was not possible for it to be accompanied by an audience warning.

Given the above, the Licensee did not consider the trailer breached Rule 1.3 of the Code.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “persons under the age of eighteen are protected”.

This duty is reflected in Section One of the Code. Broadcasters are required to comply with the rules in Section One of the Code to ensure that children are protected.

Ofcom takes into account that Article 10 of the European Convention on Human Rights, as incorporated in the Human Rights Act 1998, provides for the right of freedom of expression, including the right to receive and impart information and ideas without interference by public authority. Ofcom must balance this right with its duties to ensure that under-eighteens are protected from material that is unsuitable for them.

Rule 1.3 states that children must be protected by appropriate scheduling from material that is unsuitable for them. Appropriate scheduling is assessed by reference to factors such as the time of broadcast, the nature of the channel, and the availability of children to view, taking into account whether the broadcast is at weekends or during school holiday periods.

Ofcom has issued guidance in relation to Rule 1.3 which includes advice on the scheduling of trailers¹. In this guidance we emphasised the importance of ensuring that “trailers for post-watershed content scheduled pre-watershed include only

¹ See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/watershed-on-tv.pdf>

content that is appropriate for a pre-watershed audience”. This is particularly important because viewers come across trailers unawares and broadcasters are unable to provide any context or warning to viewers in advance about the material they are about to see.

Ofcom first assessed whether these trailers contained material unsuitable for children.

We considered that the cumulative effect of the images in the *Hostel 2* trailer (as set out in the Introduction) clearly conveyed a level of violence and themes of an adult nature which were unsuitable for child viewers.

While the violence in the trailer for *Behind Enemy Lines 2* was limited to one brief act, Ofcom noted that this conveyed a strong image of a nail being driven into a man’s hand by a hammer. On balance we considered that this image was not suitable for child viewers. This meant that both trailers required careful scheduling to comply with the Code.

Ofcom then went on to consider whether children had been protected by appropriate scheduling. The trailers for *Hostel 2* and *Behind Enemy Lines 2* were broadcast before the watershed on a Friday at 16:00 and a Monday at 12:45, respectively. We accepted that the adjacent programmes, and the channel generally, are not targeted or likely to attract many child viewers. However, we noted that the Licensee had provided evidence which demonstrated that some children aged 4-17, albeit a small share, had watched the channel in 2014. We also noted that these trailers – particularly the *Hostel 2* trailer – were broadcast at times when children were available to view. Ofcom did not consider that the broadcast of this material at these times of the day would be in line with the likely expectations of viewers generally, and in particular those of parents.

For these reasons, this content was not appropriately scheduled to protect children and Rule 1.3 was breached on both occasions.

Breaches of Rules 1.3

In Breach

Adam's Apples

ABN TV, 16 May 2014, 13:00

Introduction

ABN TV is a digital satellite channel aimed at the African-Caribbean community that broadcasts programming across a range of genres including drama and documentary. The licence for ABN TV is held by Allied Broadcasting Network Limited ("ABN" or "the Licensee").

Adam's Apples was a 10-part drama series about the lives of four Ghanaian women. Each episode was approximately two hours in duration and the episode broadcast on 16 May 2014 was the fourth in the series. A complainant alerted Ofcom to the inclusion of offensive language in the programme, which the complainant considered unsuitable for the time of broadcast.

Ofcom assessed the programme and noted the following statement during the programme:

"...and you know what...he is such a good actor. He even fucked you and pretended to like it".

Ofcom considered that the material raised issues warranting investigation under Rule 1.14 of the Code, which states:

"The most offensive language must not be broadcast before the watershed...".

We therefore requested comments from ABN as to how the material complied with this rule.

Response

ABN apologised "without reservation" and accepted that the programme was in breach of the Code.

The Licensee explained to Ofcom that the personnel and procedures it has in place to ensure compliance with the Code "failed on this occasion" and following the broadcast it had carried out an internal investigation. ABN said that this investigation had established that although several explicit sexual scenes had been removed from the programme, due to human error, "some offensive material [...] had not been properly edited". Following this investigation, ABN said that the staff member concerned had been formally cautioned.

The Licensee also provided details about improvements it had made to its compliance procedures following this broadcast of *Adam's Apples* including that an additional member of staff would view and, when necessary, edit content before it goes to air. In addition, the Head of Production would ensure that the: "content for each day is checked thoroughly". ABN also said it was in the process of: "implementing a BBFC [British Board of Film Classification] type system categorising all of our content in regards to films and programmes".

Decision

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states that the most offensive language must not be broadcast on television before the watershed. Ofcom’s research on offensive language¹ notes that the word “fuck” and other variations of this word are considered by audiences to be amongst the most offensive language.

In this case, the broadcast of the word “fuck” was a clear use of the most offensive language being broadcast before the watershed. This material therefore breached Rule 1.14.

Ofcom welcomes the actions taken by the Licensee to improve its compliance procedures, since it became aware of the transmission of the most offensive language in this case.

Breach of Rule 1.14

¹ <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>

Advertising Scheduling cases

In Breach

Advertising minutage

Discovery Channel (Slovenia), 30 November to 20 December 2013, various times

Introduction

Discovery Channel (Slovenia) is a general entertainment channel licensed by Ofcom for transmission in Europe. The licence is held by Discovery Communications Europe Limited (“Discovery” or “the Licensee”).

Rule 4 of the Code on the Scheduling of Television Advertising (“COSTA”) states:

“time devoted to television advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes”.

Ofcom was alerted to eight instances on Discovery Channel (Slovenia) between 30 November and 20 December 2013 where the amount of advertising in a single clock hour exceeded the permitted allowance by between 28 and 56 seconds respectively, totalling 260 seconds.

Ofcom considered these instances raised issues warranting investigation under Rule 4 of COSTA and therefore sought comments from the Licensee with regard to this rule.

Response

The Licensee explained that Discovery Channel is broadcast in multiple territories and therefore includes a mix of international and local advertising. It said that “cue tones” mark the period of time allocated to local advertising or promotions and are used as a guide to populate advertising. It explained that cue tones do not necessarily take up the whole break, and content within cue tones may include commercial advertising and programme promotions.

Discovery said that there may also be time allocated outside cue tones, but within scheduled breaks, to insert other content intended to transmit across all feeds, such as international advertising. The Licensee explained that, historically, its international advertising had been limited, and as advertising minutage within cue tones had generally been well below 12 minutes, the insertion of international advertising outside cue tones would not necessarily have exceeded 12 minutes.

Discovery said that for these overruns some international advertising was inserted outside of cue tones following an incorrect booking request, which resulted in its not being counted towards the advertising minutage allowance and resulting in overruns.

The Licensee said that to ensure that there was no recurrence of this situation: international advertising would only be played within cue tones, and have a strict time allocation limit; additional regional compliance training had been arranged; and additional system checks would highlight potential issues.

Discovery added that to make up for the overruns, it had also reduced advertising by a total of 260 seconds across three clock hours on 29 and 30 May 2014.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content which it considers are best calculated to secure a number of standards objectives. One of these objectives is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”.

Articles 20 and 23 of the EU Audiovisual Media Services (AVMS) Directive set out strict limits on the amount and scheduling of television advertising. Ofcom has transposed these requirements by means of key rules in COSTA. Ofcom undertakes routine monitoring of all of its licensees’ compliance with COSTA.

In this case, the amount of advertising broadcast by Discovery Channel (Slovenia) within eight clock hours exceeded the permitted allowance. Ofcom is therefore recording a breach of Rule 4 of COSTA in each case.

We welcome the Licensee’s decision to reduce its advertising to compensate for the overruns. Nevertheless, Ofcom will continue to monitor the Licensee’s compliance with COSTA. Should similar compliance issues arise, Ofcom may consider further regulatory action.

Breaches of Rule 4 of COSTA

In Breach

Advertising minutage

Universal Channel (Slovenia), 8 December 2013 to 10 January 2014, various times

Introduction

Universal Channel (Slovenia) is a general entertainment channel licensed by Ofcom for transmission in Europe. The licence is held by Sparrowhawk International Channels Limited (“the Licensee”).

Rule 4 of the Code on the Scheduling of Television Advertising (“COSTA”) states:

“time devoted to television advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes”.

Ofcom was alerted to ten instances on Universal Channel (Slovenia) where the amount of advertising in a single clock hour exceeded the permitted allowance:

Date	Clock hour	Amount of advertising (minutes and seconds)
8 December 2013	20:00	16:33
13 December 2013	23:00	15:18
17 December 2013	21:00	14:45
21 December 2013	21:00	14:06
23 December 2013	12:00	14:08
25 December 2013	23:00	14:13
27 December 2013	21:00	14:39
29 December 2013	20:00	14:45
2 January 2014	19:00	13:31
10 January 2014	21:00	15:26

Ofcom considered the instances listed above raised issues warranting investigation under Rule 4 of COSTA and therefore sought comments from the Licensee with regard to this rule.

Response

The Licensee said that Universal Channel is broadcast in multiple territories and therefore includes a mix of advertising, some of which is inserted directly by it on the primary feed, and some which is inserted by local service providers to target specific countries in the channel’s footprint.

It said that “cue triggers” are used to indicate to local service providers the start and end points where advertising may be inserted, and are placed based on the maximum permitted minutes in a clock hour.

The Licensee said that cue triggers are themselves unable to prevent an overrun of advertising allowance. Instead, it said its scheduling system contains a ‘hard stop’ facility which rejects any schedule that would result in the permitted advertising allowance being exceeded in a clock hour. However, it explained that this facility only

recognises commercial content on the primary feed, and advertising inserted by local service providers is not visible.

The Licensee confirmed these overruns related to breaks containing local advertising being moved into adjacent clock hours when the final log had been timed, and not being detected by the hard stop facility.

The Licensee said that since being alerted to the overruns it had immediately reviewed its processes to prevent any recurrence. It explained that the new processes included requiring local service providers to carry out a final manual check, and a new reporting facility which would enable it to review the schedules made available to local service providers in advance of advertising being inserted.

The Licensee added that it already checked 'as-run' reports on material and conducted regular spot checks of off-air recordings for all local advertising. It said it would continue to include these safeguards as part of its processes.

The Licensee underlined that these overruns were of a technical nature only, that the channel did not exceed the maximum amount of advertising permitted across a broadcast day, and it had therefore made no financial gain as a result of any overruns,

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content which it considers are best calculated to secure a number of standards objectives. One of these objectives is that "the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with".

Articles 20 and 23 of the EU Audiovisual Media Services (AVMS) Directive set out strict limits on the amount and scheduling of television advertising. Ofcom has transposed these requirements by means of key rules in COSTA. Ofcom undertakes routine monitoring of all of its licensees' compliance with COSTA.

In this case, the amount of advertising broadcast by Universal Channel (Slovenia) within ten clock hours exceeded the permitted allowance. Ofcom is therefore recording a breach of Rule 4 of COSTA in each case.

Ofcom also noted the Licensee's submission that it did not exceed the permitted advertising allowance for a broadcast day. However, Ofcom reminds the Licensee that the limit stipulated in Rule 4 of COSTA is specific to a single clock hour. In this case, the amount of advertising in this clock hour significantly exceeded the permitted allowance resulting in a breach of Rule 4 of COSTA.

Ofcom was particularly concerned by how significantly each affected clock hour had exceeded the maximum advertising allowance permitted by Rule 4 of COSTA. Although this was the result of a technical problem which has since been rectified, these were substantial overruns and Ofcom will continue to monitor the Licensee's compliance with COSTA. Should similar compliance issues arise, Ofcom may consider further regulatory action.

Breaches of Rule 4 of COSTA

Broadcast Licence Conditions cases

In Breach

Providing a service in accordance with ‘Key Commitments’

Chorley FM, 29, 30 and 31 January 2014

Introduction

Chorley FM is a community FM radio station licensed to “serve Chorley’s youth (those aged between 15 and 25) in targeted community safety areas and Chorley’s Lesbian, Gay, Bisexual and Transgender (LGBT) Community. It is committed to having a positive effect and bringing about changes to the educational and cultural development of these communities.” The licence is held by Chorley FM (or “The Licensee”).

Like other community radio stations, Chorley FM is required to deliver the “Key Commitments” which form part of its licence.¹⁶ They set out how the station will serve its target community and include a description of the programme service; social gain (community benefit) objectives such as training provision; arrangements for access for members of the target community; opportunities to participate in the operation and management of the service; and accountability to the community.

Ofcom received two complaints that Chorley FM was failing to deliver certain Key Commitments, and under-delivering on others.

We therefore requested recordings of three days of Chorley FM’s output, covering Wednesday 29 January, Thursday 30 January and Friday 31 January 2014. After monitoring this output, and assessing a range of information submitted by the Licensee, we identified a number of concerns about Chorley FM’s delivery of the following Key Commitments:

Music to speech ratio

- “Live programming typically comprises 75% music and 25% speech during peak daytime hours¹⁷. The majority of output will be locally produced; some programming may be produced by other community radio groups or individuals.”

Our monitoring showed that the level of speech on Chorley FM fluctuated quite widely throughout the daytime programming. For example, on Wednesday 29 January, the station’s output was heavily automated which the Licensee explained was due to a shortage of trained presenters. There was no speech throughout daytime other than one short (two to three-minute) pre-recorded slots per hour, featuring Community News or an Events Diary, and a weather report. One daytime programme on 30 January included about 25% speech (with much of it local in emphasis) and another programme, “Philosophy Matters”, broadcast between 15:00

¹⁶ The Key Commitments are contained in an annex to Chorley FM’s licence and can be viewed in full at:

<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000025.pdf>.

¹⁷ In the absence of any specific guidance in a service’s Key Commitments, Ofcom considers peak daytime hours to mean weekday breakfast and drive-time programmes (generally 06:00 or 07:00 to 09:00 or 10:00 and 16:00 to 19:00), plus weekend late breakfast.

and 16:00 on Friday 31 January, included approximately 33 minutes of speech. However, on both 30 and 31 January, some daytime programmes included relatively little speech content.

Speech content

- “Speech output includes community information, local news and weather, interviews with representatives of local community groups, events diary, local traffic and travel information as well as relevant features for the target community, including national and regional LGBT community news, and other general interest material.”

It appeared to Ofcom that during normal programming (i.e. when the service had no technical problems and a reliable complement of presenters), Chorley FM worked hard to meet the majority of its local speech commitments. For example, on 30 January the daytime programming included stories about Chorley Carnival; an appeal for a witness to a local accident; a charity duck race and the news that money had been granted for the improvement of Chorley’s roads, as well as some local weather reports and the pre-recorded Community News and Event Diary slots already noted. In addition, the “Philosophy Matters” programme consisted of 27 minutes of discussion about philosophy, specifically how it can help us adapt to advances in technology. This was interspersed with some music, a two-minute health slot and local weather reports.

Nonetheless, there was no evidence of material either targeted specifically at, or of particular relevance to, the audience of young people in the targeted community safety areas or people from the LGBT community of Chorley. We noted that programming of this nature is not only specified in the station’s Key Commitments, it constitutes the ‘Character of Service’ which Chorley FM is licensed to provide.

Social gain objectives

- “The station invites community leaders and representatives of community groups to instigate and contribute to discussion and debate on issues affecting the community, including young people and LGBT people; and,
- the station encourages the use of discussion and interviews with guests on a wide range of LGBT – related and other topics. Listeners are encouraged to give their views on the topic by e-mail, text messages, social networking sites or by phone.”

As well as its specific programming commitments, the Licensee has a number of social gain objectives within its Key Commitments, including the two set out above. Ofcom considers that if Chorley FM was fully meeting these two commitments as part of its off-air work it would be reasonable to expect this to be reflected in some of its on-air programming. In particular, we noted that the overall description of the station’s programming states that the service should include: “a choice of programmes encouraging social group activity”. However, from our monitoring we found no evidence of either discussion or debate on issues affecting the targeted communities (namely young people in the community safety areas and LGBT people in Chorley) or the use of discussion and interviews with guests on a wide range of LGBT-related topics.

Ofcom therefore considered that the station's output during the monitoring period raised a number of issues warranting investigation under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Chorley 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 therefore requested the Licensee's formal comments on its compliance with these licence conditions.

Response

Chorley FM said that its "untypical absence of some live daytime content" was due to the loss of four of its weekday daytime presenters (all of whom were volunteers) over the weeks immediately preceding the dates for which Ofcom requested recordings. The Licensee said that with limited suitably trained presenters available it decided to focus on its mid-morning and evening programmes, which it could ensure had "a high level of local input". It added that it had decided to use automation in preference to volunteer presenters who were not yet fully trained.

The Licensee noted that there was a particular problem with the delivery of local news on 29 January because the producer was unable to get to that station on that day due to a family emergency. It also said that all live programming was cancelled until 15:00 on Friday 31 January because the station needed to replace hardware and reinstall software following the technical malfunction of its studio databases.

Chorley FM added that six months ago it had employed a consultant quality advisor. It said that he was currently changing the structure and processes at the station (including introducing a new training programme and improving and increasing local content) to prevent similar problems arising in the future.

The Licensee also provided representations on the specific areas of concern Ofcom had identified in its monitoring:

Music to speech ratio

Chorley FM said that almost all of its output is locally-produced and delivered by its own volunteers. It noted that its regular speech output (for example local news bulletins, local events diary, local weather and traffic and travel alongside national news and general speech links or discussion) typically enables it to meet the 25% speech target. The Licensee also said that in general the morning show included regular community interviews with a range of local non-profit organisations, many of which have a regular monthly slot.

However, it acknowledged that: on 29 January the morning show presenter had to attend a medical appointment; there was no community interview scheduled for 30 January; and the morning show was cancelled on 31 January because of a major technical overhaul of the station on that day.

Speech content

Chorley FM said that the service has three specific weekly programmes delivered by, and aimed at, young people aged 15-25, which are broadcast between 18:00 and 20:00 hours on Mondays, Wednesdays and Thursdays. It described one of these programmes as a house music show. The Licensee said that the daytime music programming was “aimed at a younger audience with more general tastes...”. It did not provide information on speech output specifically targeted at this audience.

The Licensee noted that the service broadcasts two weekly programmes aimed at the local LGBT community, both of them between 22:00 and midnight. It said that “Breakout”, its Sunday night LGBT programme, features a round-up of the week’s key regional, national and international LGBT news and regularly includes relevant issues. The Wednesday night programming strand targeted at this audience comprised two music shows – “Camp Classics” and “80s Anthems”.

Further, the Licensee responded: “It has always been the board’s view that the station cannot be seen as a ‘gay station’ and that LGBT content broadcast daily/hourly is not the way to fill the diverse commitments. From long and personal experience the board has developed a successful LGBT agenda built around the dedicated shows. We would like to put on record that 66% of the directors and senior managers and approximately 15% of all volunteers identify as members of the LGBT community and on that basis we feel we have sound credentials to determine a reasonable policy.”

Social gain objectives

Chorley FM referred to its morning show discussions with community group representatives, and added that its daytime presenters (as well as those presenting either youth-focused or sports programmes) are reminded to talk about local news and issues. However, it recognised that this was an area in which the station could improve upon, and said that it was working to do so.

The Licensee listed an extensive number of topics of relevance to LGBT people in Chorley which had recently featured on its Sunday night “Breakout” programme. It said that in all of its live peak time programmes, listeners are encouraged to send in messages to the station to give their views on whatever is being discussed. It also noted that the station included a weekly programme presented by a local philosopher and that its weekly folk music programme often included interviews with local musicians.

Decision

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. These matters are reflected in the licence condition requiring the provision of the specified licensed service. Provision by a licensee of its licensed service on the frequency assigned to it is the fundamental purpose for which a community radio licence is granted.

Chorley FM is licensed to provide a service for the young people (15 to 25 years of age) and lesbian, gay, bisexual and transgender people living in the four wards of Chorley which it specifically targets. As such, it is reasonable to expect the station to provide all of the speech and music designed to either specifically target and/or be of

direct relevance to these two communities, as set out in the service's Key Commitments.

Music to speech ratio

- “Live programming typically comprises 75% music and 25% speech during peak daytime hours. The majority of output will be locally produced; some programming may be produced by other community radio groups or individuals.”

In our view, the service clearly aimed to provide at least 25% speech during peak daytime hours, and we recognised the impact of the difficulties suffered by the station on the days on which we monitored. However, the levels of speech fluctuated widely during the peak daytime hours. While both the level and content of speech was sometimes impressive, on other occasions during these peak hours it amounted to little more than a couple of minutes per hour. For example, on Wednesday 29 January, there was no speech throughout daytime other than two short (two to three-minute long) pre-recorded slots, featuring Community News and an Events Diary, respectively, which were broadcast on alternate hours, and one 40 second weather report at 1900. During the other two days which we monitored (i.e. when there were some daytime presenters on the air, albeit only from 1500 on Friday 31 January) a number of programmes were significantly below the 25% speech requirement.

For this reason, we concluded that, on balance, the service had breached its Key Commitments in this regard.

Speech content

- “Speech output includes community information, local news and weather, interviews with representatives of local community groups, events diary, local traffic and travel information as well as relevant features for the target community, including national and regional LGBT community news, and other general interest material.”

Ofcom was impressed by the range and depth of some of Chorley FM's speech output. Nonetheless, having monitored the service, we were concerned about the extent to which it was providing speech output for LGBT people in Chorley. We recognised that the Sunday evening *Breakout* programme specifically targets this group. However, we noted that this was broadcast well outside peak daytime listening hours and that the rest of the programming specifically targeting this audience (of which only two examples were specified by the Licensee in its response) appeared to consist solely of music shows. We also noted that the character of service for Chorley FM identifies the LGBT community of Chorley as one of the two audience groups specifically targeted by this station.

Given the station's overall character of service, we did not consider that the inclusion of one speech programme aimed specifically at this audience (broadcast late on a Sunday evening) was sufficient for the service to meet the requirement for speech output that includes “relevant features for the target community, including national and regional LGBT community news”. For this reason, we concluded that the Chorley FM had breached its Key Commitments in this regard.

Social gain objectives

- “The station invites community leaders and representatives of community groups to instigate and contribute to discussion and debate on issues affecting the community, including young people and LGBT people; and,
- the station encourages the use of discussion and interviews with guests on a wide range of LGBT – related and other topics. Listeners are encouraged to give their views on the topic by e-mail, text messages, social networking sites or by phone.”

We noted that the Licensee said that the service regularly features discussion with representatives of community groups, and that it encourages listener interaction and feedback. However, on the days we monitored there was no evidence of debate, discussion or interviews which could be regarded as of particular relevance to either of the two groups specifically targeted by Chorley FM.

For this reason, we concluded that the Chorley FM had breached its Key Commitments in this regard.

Conclusion

In Ofcom’s view, three days of audio taken from the same week is a sufficient amount of time to provide Ofcom (or, indeed, a new listener to the station) with a reliable indication of the general type and range of material being broadcast by the service. In the case of Chorley FM, the station’s Character of Service clearly states that the service has been specifically licensed to serve two distinct groups within the Chorley area (15 to 25 year-olds and Chorley’s LGBT community), rather than providing a ‘generalist’ local radio service for Chorley. That being then case, we would expect speech output specific to these two groups to be woven into the fabric of the station’s programming, rather than to be delivered through specialist shows broadcast at off-peak times.

Having taken account of both our monitoring and the Licensee’s representations, Ofcom considered that Chorley FM was not delivering some of key aspects of its existing published Key Commitments, in particular, those relating to:

- the level of speech output broadcast during peak daytime hours;
- the provision of “relevant features for the target community, including national and regional LGBT community news”; and
- the station’s first two social gain commitments (and in particular the extent to which activity in these areas is reflected in the station’s output).

Ofcom therefore concluded that Chorley FM was in breach of its licence for failing to provide a service in accordance with its Key Commitments.

Breaches of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Chorley FM (licence number CR000025BA)

Resolved

Provision of information: relevant turnover submission

Radio Hafren

Introduction

Ofcom is partly funded by the licence fees it charges television and radio licensees. In setting these fees, Ofcom has a statutory obligation to ensure that the aggregate amount of fees that are required to be paid by licensees is sufficient to meet the cost of Ofcom's functions relating to the regulation of broadcasting. The principles which Ofcom applies when determining what fees should be paid by licensees are set out in the Statement of Charging Principles¹⁸. Chief among these principles is that the fees all television licensees and national and local analogue radio licensees are required to pay are based on a percentage of their turnover from related activities. This is known as Relevant Turnover.

Each licensee is required on an annual basis, to submit to Ofcom a statement of its Relevant Turnover for the previous calendar year, so that Ofcom can charge licensees the appropriate fee the following year. This provision of information is a licence requirement. As well as enabling the charging of fees, the information is used by Ofcom to fulfil its market reporting obligations. Submission of Relevant Turnover is therefore an important requirement for all relevant broadcasting licensees. Failure by a licensee to submit an annual Relevant Turnover return when required represents a serious and fundamental breach of a broadcast licence, as the absence of the information contained in the return means that Ofcom is unable properly to carry out its regulatory duties.

Radio Hafren Ltd (or "the Licensee"), which broadcasts as Radio Hafren and holds the local commercial radio licence for Montgomeryshire, failed to provide the required information by the deadline specified.

Ofcom considered that this raised issues warranting investigation under Licence Condition 9(1) which states:

"The Licensee shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, estimates, returns, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 Act, the 1996 Act or the Communications Act and in particular (but without prejudice to the generality of the foregoing):

- (a) a declaration as to the Licensee's corporate structure in such form and at such times as Ofcom shall specify;
- (b) such information as Ofcom may reasonably require from time to time for the purposes of determining whether the Licensee is on any ground a disqualified person by virtue of any of the provisions in Section 143 (5) of the 1996 Act and/or Schedule 2 to the 1990 Act or whether the requirements imposed by or

¹⁸ Statement of Charging Principles - http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf

under Schedule 14 to the Communications Act are contravened in relation to the Licensee's holding of the Licence".

Ofcom therefore asked the Licensee for formal comments on its compliance with this licence condition.

Response

The Licensee stated: "...I would like to acknowledge that we have fallen short of our commitments in relation to the provision of turnover information, and apologise unreservedly for these failings." The outstanding data were provided to Ofcom subsequently.

Decision

In the light of the previously outstanding data being submitted, Ofcom regards this matter as resolved.

Resolved

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 15 July and 4 August 2014 and decided that the broadcaster did not breach Ofcom's codes, licence conditions or other regulatory requirements.

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

Programme	Broadcaster	Transmission date	Categories
The Sentenced – Trap for the "Alpha" group	NTV Mir Lithuania	10/03/2014	Due impartiality/bias

For more information about how Ofcom conducts investigations about content standards, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

Complaints Assessed, Not Investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue 15 July and 4 August 2014 because they did not raise issues warranting investigation.

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

For more information about how Ofcom assesses conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Programming	4Music	23/06/2014	Scheduling	1
The Box+ Streaming Chart: Top 20	4Music	31/07/2014	Outside of remit / other	1
UK Top 40: The Top 20	4Music	23/07/2014	Generally accepted standards	1
The World's Best Diet	4Seven	01/07/2014	Religious/Beliefs discrimination/offence	1
Advertisements	5*	26/07/2014	Outside of remit / other	1
Wills and Trusts	Akaal Television	10/06/2014	Materially misleading	1
Inside Story	Al Jazeera	14/07/2014	Due impartiality/bias	1
Opposite Direction	Al Jazeera	17/06/2014	Violence and dangerous behaviour	1
Khara Sach	ARY News	19/06/2014	Scheduling	1
Khara Sach	ARY News	14/07/2014	Materially misleading	1
News	ARY News	11/06/2014	Due impartiality/bias	1
News	ARY News	22/06/2014	Crime	1
News	ARY News	29/06/2014	Due impartiality/bias	1
Saray Aam	ARY News	04/07/2014	Sponsorship credits	1
BBC News	BBC	21/07/2014	Outside of remit / other	1
BBC News	BBC	n/a	Outside of remit / other	1
Commonwealth Games 2014	BBC	n/a	Outside of remit / other	1
Content on BBC website	BBC	27/07/2014	Outside of remit / other	1
Sport	BBC	n/a	Outside of remit / other	1
News	BBC / ITV	n/a	Religious/Beliefs discrimination/offence	1
BBC News	BBC 1	07/07/2014	Outside of remit / other	1
BBC News	BBC 1	16/07/2014	Outside of remit / other	1
BBC News	BBC 1	20/07/2014	Outside of remit / other	1

BBC News	BBC 1	21/07/2014	Generally accepted standards	1
BBC News	BBC 1	21/07/2014	Outside of remit / other	4
BBC News	BBC 1	24/07/2014	Outside of remit / other	1
BBC News	BBC 1	25/07/2014	Outside of remit / other	2
BBC News	BBC 1	27/07/2014	Generally accepted standards	2
BBC News	BBC 1	28/07/2014	Outside of remit / other	1
BBC News	BBC 1	30/07/2014	Under 18s in programmes	1
BBC News	BBC 1	31/07/2014	Outside of remit / other	1
BBC News	BBC 1	04/08/2014	Outside of remit / other	1
Commonwealth Games 2014	BBC 1	27/07/2014	Offensive language	1
Commonwealth Games 2014	BBC 1	01/08/2014	Race discrimination/offence	2
Commonwealth Games Opening Ceremony	BBC 1	23/07/2014	Outside of remit / other	1
Crimewatch	BBC 1	22/07/2014	Generally accepted standards	1
Golf	BBC 1	20/07/2014	Under 18s in programmes	1
John Bishop's Australia	BBC 1	14/07/2014	Animal welfare	1
Long Lost Families	BBC 1	n/a	Materially misleading	1
Question Time	BBC 1	12/06/2014	Outside of remit / other	1
Regional News and Weather	BBC 1	04/07/2014	Gender discrimination/offence	1
Saturday Kitchen Live	BBC 1	05/07/2014	Product placement	1
The Andrew Marr Show	BBC 1	27/07/2014	Outside of remit / other	1
The National Lottery	BBC 1	05/07/2014	Materially misleading	1
Commonwealth Games 2014	BBC 1	28/07/2014	Outside of remit / other	1
Reporting Scotland	BBC 1 Scotland	23/07/2014	Outside of remit / other	1
Reporting Scotland	BBC 1 Scotland	01/08/2014	Generally accepted standards	1
Backchat with Jack Whitehall and His Dad	BBC 2	16/07/2014	Offensive language	1
Call the Council	BBC 2	22/07/2014	Outside of remit / other	1
Catch Me If You Can	BBC 2	12/07/2014	Scheduling	2
Commonwealth Games 2014	BBC 2	31/07/2014	Product placement	3
Dragons' Den	BBC 2	27/07/2014	Offensive language	1
Escape to the Country	BBC 2	25/07/2014	Materially misleading	1
F1: Grand Prix Practice	BBC 2	07/06/2014	Materially misleading	1
Newsnight	BBC 2	03/07/2014	Generally accepted standards	1

Newsnight	BBC 2	24/07/2014	Outside of remit / other	1
Newsnight	BBC 2	11/07/2014	Outside of remit / other	1
Commonwealth Games 2014	BBC 3	28/07/2014	Outside of remit / other	1
Don't Tell the Bride	BBC 3	11/07/2014	Offensive language	2
Family Guy / American Dad	BBC 3	n/a	Generally accepted standards	1
Tommy Sandhu	BBC Asian Network	18/07/2014	Outside of remit / other	1
BBC News	BBC News Channel	17/07/2014	Outside of remit / other	1
HARDtalk	BBC News Channel	26/07/2014	Outside of remit / other	1
Annie Mac	BBC Radio 1	02/07/2014	Drugs, smoking, solvents or alcohol	1
BBC News	BBC Radio 4	15/07/2014	Generally accepted standards	1
Broadcasting House	BBC Radio 4	20/07/2014	Generally accepted standards	1
I'm Sorry I Haven't a Clue	BBC Radio 4	21/07/2014	Religious/Beliefs discrimination/offence	1
PM	BBC Radio 4	21/07/2014	Outside of remit / other	1
PM	BBC Radio 4	29/07/2014	Outside of remit / other	1
Programming	BBC Radio 4	n/a	Outside of remit / other	1
Thinking Allowed	BBC Radio 4	16/07/2014	Generally accepted standards	1
Today	BBC Radio 4	31/07/2014	Outside of remit / other	1
Today	BBC Radio 4	01/08/2014	Outside of remit / other	1
Good Morning Ulster	BBC Radio Ulster	02/07/2014	Generally accepted standards	1
The Nolan Show	BBC Radio Ulster	21/05/2014	Religious/Beliefs discrimination/offence	1
Programming	BRFM 95.6	25/06/2014	Commercial communications on radio	1
Live UFC 175	BT Sport 1	06/07/2014	Generally accepted standards	1
Capital Breakfast	Capital Radio	25/06/2014	Scheduling	1
Programming	Castle FM	18/07/2014	Offensive language	2
Programming	Castle FM	n/a	Offensive language	1
Top 100 Video Games Of All Time	Challenge	25/06/2014	Violence and dangerous behaviour	1
8 Out of 10 Cats Does Countdown	Channel 4	02/07/2014	Generally accepted standards	1
8 Out of 10 Cats Does Countdown	Channel 4	11/07/2014	Generally accepted standards	1
8 Out of 10 Cats Does Countdown	Channel 4	23/07/2014	Race discrimination/offence	1
Alan Carr: Chatty Man	Channel 4	25/07/2014	Generally accepted standards	1

Beauty Queen or Bust	Channel 4	17/07/2014	Under 18s in programmes	1
Beauty Queen or Bust	Channel 4	Various	Crime	1
Channel 4 News	Channel 4	08/07/2014	Offensive language	1
Channel 4 News	Channel 4	14/07/2014	Due impartiality/bias	2
Channel 4 News	Channel 4	15/07/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	15/07/2014	Generally accepted standards	1
Channel 4 News	Channel 4	16/07/2014	Due impartiality/bias	7
Channel 4 News	Channel 4	16/07/2014	Generally accepted standards	1
Channel 4 News	Channel 4	18/07/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	21/07/2014	Generally accepted standards	2
Channel 4 News	Channel 4	21/07/2014	Under 18s in programmes	2
Channel 4 News	Channel 4	22/07/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	24/07/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	25/07/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	25/07/2014	Outside of remit / other	1
Channel 4 News	Channel 4	26/07/2014	Due impartiality/bias	3
Channel 4 News	Channel 4	01/08/2014	Generally accepted standards	1
Couples Come Dine with Me	Channel 4	25/07/2014	Age discrimination/offence	1
Deal or No Deal	Channel 4	01/08/2014	Generally accepted standards	1
Dispatches	Channel 4	14/07/2014	Due impartiality/bias	2
Embarrassing Bodies	Channel 4	15/07/2014	Gender discrimination/offence	1
Embarrassing Bodies	Channel 4	n/a	Generally accepted standards	1
Food Unwrapped	Channel 4	28/07/2014	Religious/Beliefs discrimination/offence	3
Hollyoaks	Channel 4	n/a	Scheduling	1
Mary's Silver Service	Channel 4	04/06/2014	Materially misleading	1
Meet the Mormons	Channel 4	26/06/2014	Materially misleading	1
Mitsubishi's sponsorship of documentaries on 4	Channel 4	11/07/2014	Generally accepted standards	1
The Secret Life of Students	Channel 4	17/07/2014	Generally accepted standards	1
The Simpsons	Channel 4	31/07/2014	Scheduling	1
Utopia	Channel 4	14/07/2014	Animal welfare	2
Utopia	Channel 4	14/07/2014	Generally accepted standards	1
Embarrassing Bodies (trailer)	Channel 4 / E4	Various	Generally accepted standards	23
Bangkok Brits	Channel 5	16/05/2014	Race discrimination/offence	1
Benefits Britain: Life on the Dole	Channel 5	14/07/2014	Crime	9
Black Market Britain	Channel 5	17/07/2014	Violence and dangerous behaviour	1

Blinging Up Baby	Channel 5	02/08/2014	Offensive language	1
Blinging Up Baby (trailer)	Channel 5	21/07/2014	Under 18s in programmes	1
Can't Pay? We'll Take it Away!	Channel 5	22/06/2014	Offensive language	1
Can't Pay? We'll Take it Away!	Channel 5	04/07/2014	Offensive language	6
Cricket on 5	Channel 5	21/07/2014	Disability discrimination/offence	1
CSI: Crime Scene Investigation (trailer)	Channel 5	16/07/2014	Scheduling	1
Dangerous Dog Owners and Proud	Channel 5	n/a	Outside of remit / other	2
Little Nicky	Channel 5	03/08/2014	Generally accepted standards	1
OAPs Behaving Badly (trailer)	Channel 5	Various	Scheduling	10
On the Yorkshire Buses	Channel 5	11/07/2014	Offensive language	1
The Dog Rescuers	Channel 5	08/07/2014	Violence and dangerous behaviour	1
The Dog Rescuers	Channel 5	19/07/2014	Scheduling	1
The Wright Stuff	Channel 5	08/07/2014	Generally accepted standards	1
The Wright Stuff	Channel 5	17/07/2014	Generally accepted standards	1
Azan E Isha	Channel I	21/07/2014	Sponsorship	1
Advertisements	Chart Show Dance	12/06/2014	Advertising minutage	1
Islamic Relief's sponsorship of Quran Hadiser Ramadan	CHSTV	11/07/2014	Sponsorship	1
Pride of Asia's sponsorship of Nobi Rasuler Golpo	CHSTV	10/07/2014	Sponsorship	1
Fort Boyard	CITV	25/07/2014	Offensive language	1
Station ident	Classic FM	n/a	Materially misleading	1
Jackass 2 (trailer)	Comedy Central	10/07/2014	Scheduling	1
Programme trailer	Comedy Central	23/07/2014	Scheduling	1
Programming	Comedy Central	n/a	Outside of remit / other	1
South Park	Comedy Central	18/07/2014	Generally accepted standards	1
Just Eat's sponsorship of programmes on Dave	Dave	n/a	Sponsorship credits	1
Maria.com's sponsorship of primetime on Dave	Dave	07/07/2014	Sponsorship credits	1
Mock The Week	Dave	19/07/2014	Generally accepted standards	1
QI	Dave	28/07/2014	Gender discrimination/offence	1
How It's Made	Discovery Channel Romania	04/07/2014	Materially misleading	1
Channel ident	E4	28/07/2014	Generally accepted standards	3

Hollyoaks	E4	18/07/2014	Scheduling	1
How I Met Your Mother	E4	26/07/2014	Offensive language	1
Maoam's sponsorship of Big Bang Theory	E4	17/07/2014	Gender discrimination/offence	1
Virtually Famous (trailer)	E4	16/07/2014	Animal welfare	1
Live Verizon Indycar Series	ESPN	19/07/2014	Outside of remit / other	1
Programming	Fantasy	24/05/2014	Sexual material	1
Alien + Aliens + Alien3	Film4HD	Various	Advertising content	1
Chicago PD	Five USA	n/a	Television Access Services	1
No Nonsense with Jon Gaunt	Fubar Radio	26/07/2014	Outside of remit / other	2
True Blood	FX	21/07/2014	Offensive language	1
Big John at Breakfast	Hallam FM	11/07/2014	Scheduling	1
Heart Breakfast with Joel & Lorna	Heart 105.4FM	09/07/2014	Race discrimination/offence	1
Britain's Best Breaks	Holiday and Cruise Channel	12/07/2014	Advertising minutage	1
Aman Foundation Charity Appeal	HUM Europe	26/06/2014	Charity appeals	1
Live Transmission from Madina	Iqra Bangla	12/07/2014	Charity appeals	1
Programming	Islam Channel	n/a	Generally accepted standards	1
Adventure Time	ITV	12/07/2014	Scheduling	1
Advertisements	ITV	23/07/2014	Advertising content	1
Air America	ITV	25/07/2014	Generally accepted standards	1
All Star Family Fortunes	ITV	02/08/2014	Outside of remit / other	1
All Star Family Fortunes	ITV	02/08/2014	Race discrimination/offence	1
Aunt Bessie's sponsorship of The Chase	ITV	n/a	Materially misleading	1
Britain's Got Talent	ITV	05/06/2014	Competitions	1
Britain's Got Talent	ITV	n/a	Voting	1
Cheerios' Sponsorship of The Cube	ITV	06/07/2014	Sponsorship credits	1
Comparethemarket.com's sponsorship of Coronation Street	ITV	07/07/2014	Sponsorship	1
Coronation Street	ITV	11/07/2014	Generally accepted standards	1
Coronation Street	ITV	14/07/2014	Outside of remit / other	1
Coronation Street	ITV	16/07/2014	Drugs, smoking, solvents or alcohol	1
Coronation Street	ITV	30/07/2014	Violence and dangerous behaviour	1
Coronation Street	ITV	n/a	Generally accepted standards	1
Emmerdale	ITV	18/07/2014	Generally accepted standards	1

Emmerdale	ITV	18/07/2014	Outside of remit / other	1
Emmerdale	ITV	25/07/2014	Sexual material	2
Emmerdale	ITV	25/07/2014	Violence and dangerous behaviour	1
Emmerdale	ITV	31/07/2014	Drugs, smoking, solvents or alcohol	3
Emmerdale	ITV	01/08/2014	Generally accepted standards	1
Emmerdale	ITV	n/a	Violence and dangerous behaviour	1
Good Morning Britain	ITV	23/07/2014	Crime	2
ITV News	ITV	14/07/2014	Under 18s in programmes	1
ITV News	ITV	16/07/2014	Due impartiality/bias	1
ITV News	ITV	17/07/2014	Due impartiality/bias	1
ITV News	ITV	17/07/2014	Generally accepted standards	1
ITV News	ITV	24/07/2014	Generally accepted standards	1
Judge Rinder (trailer)	ITV	23/07/2014	Materially misleading	1
Let's Do Lunch...With Gino and Mel	ITV	n/a	Outside of remit / other	1
Loose Women	ITV	08/07/2014	Violence and dangerous behaviour	1
Testing Britain's Worst Drivers: Crash Course	ITV	16/07/2014	Crime	2
The Jeremy Kyle Show	ITV	04/08/2014	Offensive language	1
The Speakmans	ITV	14/07/2014	Generally accepted standards	1
The Speakmans	ITV	17/07/2014	Generally accepted standards	1
The X Factor	ITV	n/a	Race discrimination/offence	1
This Morning	ITV	17/07/2014	Outside of remit / other	1
Tipping Point	ITV	18/07/2014	Race discrimination/offence	1
Tour De France 2014 (trailer)	ITV	04/07/2014	Scheduling	1
You've Been Framed!	ITV	26/07/2014	Generally accepted standards	1
This Morning	ITV +1	15/07/2014	Generally accepted standards	1
ITV News Lookaround	ITV Border (Scottish)	11/07/2014	Due accuracy	1
ITV News London	ITV London	20/07/2014	Outside of remit / other	1
Celebrity Juice	ITV2	25/07/2014	Generally accepted standards	1
Good Morning Britain (trailer)	ITV2	28/07/2014	Violence and dangerous behaviour	1
The Jeremy Kyle Show	ITV2	17/07/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV2	31/07/2014	Generally accepted standards	1

The Only Way is Essex	ITV2	n/a	Outside of remit / other	1
White Chicks	ITV2	n/a	Race discrimination/offence	1
Midsomer Murders	ITV3	06/07/2014	Advertising minutage	1
Programming	Jack FM2	21/07/2014	Scheduling	1
Kisstory	Kiss FM	30/07/2014	Offensive language	1
Programming	Kurdistan TV	n/a	Outside of remit / other	1
Andrew Pierce	LBC 97.3 FM	24/07/2014	Drugs, smoking, solvents or alcohol	1
Cristo	LBC 97.3 FM	12/07/2014	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	18/07/2014	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	18/07/2014	Due impartiality/bias	1
Julia Hartley Brewer	LBC 97.3 FM	21/07/2014	Due accuracy	1
News	LBC 97.3 FM	21/07/2014	Scheduling	1
Ray Rose	Magic 1152	03/07/2014	Generally accepted standards	1
Programming	Minster FM 104.7	n/a	Competitions	1
Jamie's 15 Minute Meals	More4	14/07/2014	Undue prominence	1
My Gal Sunday	Movie Channel	18/07/2014	Outside of remit / other	1
The Fighting Fists of Shanghai Joe	Movies4men	01/07/2014	Generally accepted standards	1
Content on Twitter	n/a	n/a	Outside of remit / other	1
Top Gear	n/a	n/a	Outside of remit / other	13
News Corporation acquisition of BSkyB	News Corporation / BSkyB	n/a	Outside of remit / other	1
Travel Guide	NTV	04/06/2014	Sponsorship credits	1
Sharknado (trailer)	Pick	15/07/2014	Generally accepted standards	1
Programming	Play TV	24/05/2014	Sexual material	1
Advertisements	Pop	28/06/2014	Advertising scheduling	1
Programming	Radio Womad	n/a	Outside of remit / other	1
Programming	Ramadan FM (107 FM – Milton Keynes)	17/07/2014	Crime	1
A Place in the Sun: Home or Away	Really	11/07/2014	Materially misleading	1
A Place in the Sun: Home or USA	Really	21/07/2014	Materially misleading	1
Don't Tell The Bride	Really	15/07/2014	Offensive language	1
Seiclo: Le Tour De France	S4C Digital	06/07/2014	Outside of remit / other	1
Dawn C	Sheppey FM	02/07/2014	Generally accepted standards	1
The Cleanists (trailer)	Showcase 2	07/07/2014	Generally accepted standards	1

Video Killed the Radio Star	Sky Arts 1	08/07/2014	Offensive language	1
Scandal (trailer)	Sky Living	12/07/2014	Scheduling	1
Murnaghan	Sky News	20/07/2014	Generally accepted standards	1
Press Preview	Sky News	29/07/2014	Religious/Beliefs discrimination/offence	1
Sky News	Sky News	13/07/2014	Due impartiality/bias	1
Sky News	Sky News	21/07/2014	Due accuracy	1
Sky News	Sky News	24/07/2014	Due accuracy	1
Sky News	Sky News	28/07/2014	Due accuracy	1
Programming	Sky Sports	n/a	Outside of remit / other	1
Sky Sports 5 promotion	Sky Sports	n/a	Materially misleading	1
World Darts Matchplay	Sky Sports 1	20/07/2014	Offensive language	1
Sky Sports News	Sky Sports News	14/07/2014	Cross/self promotions	1
Sports Sunday	Sky Sports News	13/07/2014	Generally accepted standards	1
50 Ways to Kill Your Mammy	Sky1	n/a	Generally accepted standards	1
Programming	Smooth Radio	11/07/2014	Competitions	1
Mahabharat	Star Plus	25/07/2014	Violence and dangerous behaviour	2
Programming	Studio 66 TV1	16/05/2014	Sexual material	1
Programming	Studio 66 TV1	23/05/2014	Sexual material	1
Studio 66 Days	Studio 66 TV1	11/06/2014	Sexual material	1
Studio 66 Nights	Studio 66 TV1	17/06/2014	Sexual material	1
Programming	Studio 66 TV2	23/05/2014	Sexual material	1
Programming	Studio 66 TV2	24/05/2014	Sexual material	1
Programming	Studio 66 TV3	24/05/2014	Sexual material	1
Ocean's Twelve	STV	03/08/2014	Television Access Services	1
Johnny Vaughan	Talksport	28/07/2014	Scheduling	1
Outrageous Emergencies (trailer)	TLC	10/07/2014	Scheduling	1
Charity Appeal for the Syeda Amina Trust	Ummah Channel	13/07/2014	Generally accepted standards	1
Party Election Broadcast by the British National Party	Various	29/04/2014	Generally accepted standards	1
Programming	Various	n/a	Outside of remit / other	1
Soaps	Various	n/a	Offensive language	1
Programming	Various	n/a	Generally accepted standards	1
Shri Guru Ravidass Ji	Venus TV	22/05/2014	Fairness	1
West FM	West FM	24/07/2014	Violence and dangerous behaviour	1
The Xfm Breakfast Show with Jon Holmes	XFM London	16/07/2014	Scheduling	1

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

For more information about how Ofcom conducts investigations about broadcast licences, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.

Licensee	Categories
St Mathews Community Solution Centre Ltd	Other

Investigations List

If Ofcom considers that a broadcaster may have breached its codes, a condition of its licence 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 has done anything wrong. Not all investigations result in breaches of the licence or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 17 July and 6 August 2014.

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

Programme	Broadcaster	Transmission date
Advertising minutage	Channel 5	18 June 2014
Advertising minutage	SAB	Various
Advertising minutage	Samaa	09 June 2014
Azan E Magrib	Bangla TV	01 July 2014
Betrayed	Channel 5	11 July 2014
Channel Donations Live	Fadak TV	27 March 2014
Dylon Colour Catcher Sheet sponsorship credits	TLC	26 June 2014
Live: Chagaev v Oquendo	BoxNation	06 July 2014
Marakkath Thakumo	Spectrum Radio	22 June 2014
Monty Python Live	Gold	20 July 2014
Morning Show	ARY News	12 June 2014
Programming	Sangat TV	18 April 2014
Programming	Sat-7	24 April 2014
Property Show	Bangla TV	15 May 2014
Rohani Alam	Venus TV	23 April 2014

Shajbaatir Rupkotha	Channel Nine UK	25 April 2014
Sky News with Lorna Dunkley	Sky News	20 July 2014
Studio 66 TV1 and Studio 66 TV3	Studio 66 TV1 and Studio 66 TV3	Various
The Pitch	Sky Atlantic	19 July 2014
Wills, Trusts and Estate Planning	Sangat TV	09 January 2014

For more information about how Ofcom assesses complaints and conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

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

Programme	Broadcaster	Transmission date
Akaal Channel Uncensored	Akaal Channel	19 March 2014
Bibeker Kache Prosno	ATN Bangla	15 February 2014

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/fairness/>.

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

Licensee	Licensed Service
Drystone Radio Limited	Drystone Radio
Tamworth Radio Broadcasting C.I.C.	TCR FM

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

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.