

# **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 objectives<sup>1</sup>. 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 Act<sup>2</sup>.

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 advertising<sup>3</sup>.
- 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

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> 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

#### Jesse Duplantis Ministries

TBN UK, 21 June 2015, 12:30

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#### Introduction

TBN UK is a religious channel available on the satellite and digital terrestrial platforms that broadcasts a variety of Christian programming. The licensee for this service is Governance Ministries (or “the Licensee”).

The programme *Jesse Duplantis Ministries* featured a recording of a sermon given by evangelical Christian minister Jesse Duplantis. The broadcast also included a short segment, of approximately two minutes in duration, entitled *Glorious Moments with Cathy Duplantis*. This was presented by Jesse Duplantis’s wife, Cathy. In the segment, Cathy Duplantis read out brief testimonies, called “*prayer reports*”, from viewers. Each described the positive impact of God on particular aspects of the viewer’s life.

Ofcom received a complaint that one of these testimonies “implied that breast cancer can be cured through faith healing without recourse to medical treatment”. The complainant was concerned that viewers “may be induced not to seek medical treatment for breast cancer or stop ongoing treatment”.

We viewed the programme and noted a testimony attributed to a woman named “Pat”. This was read out by Cathy Duplantis and shown in text form.

*“I had aggressive breast cancer and the treatment came in very strong doses. It was killing the cancer, but at the same time, it was killing my body. I was very weak, and could hardly raise my arms up, but I stood up in the middle of my daughter’s living room and said, ‘Jesus, heal me or take me home’. I remember the warm feeling from the very top of my head to the bottom. I knew I was healed and would not have any more treatments. Praise the Lord, I’ve been healed for over 10 years”.*

Cathy Duplantis then said:

*“What a great testimony! Thanks for writing that in”.*

We considered this material raised issues warranting investigation under Rule 2.1 of the Code, which states that:

“Generally accepted standards must be applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.

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

## Response

In its initial representations, the Licensee stated that the message conveyed by the prayer report was “clearly not that breast cancer can be cured by prayer alone, and that any medical treatment should be foregone”. Governance Ministries considered that the report stated “that the strong treatment was [emphasis in original] killing the cancer, but the side effects were killing her body”. The Licensee said that prayer gave Pat the “strength to overcome those side effects”, and that there was no “suggestion that the treatment was ineffective or abandoned”.

Governance Ministries also said that the programme “is about what our viewers believe that God has done for them, directly”. It said that “to hold that Christians may not, when speaking to other Christians on an expressly Christian channel, say that they believed that the strength given to them by their belief in God has played a significant part in curing them of an illness would be a disproportionate interference with the rights of free speech”.

The Licensee also made representations on Ofcom’s Preliminary View in this matter which was to record a breach of Rule 2.1. In particular, it stated that Ofcom did not appear to give sufficient weight to Articles 9 and 10 of the European Convention on Human Rights (“the Convention”) and the State’s “duty of neutrality and impartiality” with respect to religious associations. In Governance Ministries’ view, “the regulatory body of the State should not hinder the expression of belief in the power of the Gods, nor the right of listener to receive such information”. The Licensee continued that the “right of religious speech is protected by both Articles 9 and 10 of the Convention; and restrictions within Articles 9(2) and 10(2) must be “*proportionate*” and the reasoning by the national authorities to justify any restriction must be “*relevant and sufficient*” which requires it to be “*convincingly established*” by evidence [emphasis in original]<sup>1</sup>. In the Licensee’s view, such evidence was “wholly lacking in this case”. Governance Ministries recognised that, “where the religious belief espouses hatred, jihad, violence of human sacrifice, the State can “*convincingly*” establish a *proportionate* reason to limit its expression” [emphasis in original]. In the present case, however, the Licensee submitted that the level of harm which would make a State-imposed restriction on a religious broadcast legitimate under Articles 9(2) and 10(2) of the Convention was “nowhere near the ‘grey area’”.

Governance Ministries stated that, in its view, there was no suggestion in the testimony as broadcast that “prayer replaced [emphasis in original] medical treatment...or that TBN UK is suggesting to viewers that it should do so in any other case”. Governance Ministries added that “viewers would know that Pat’s account [was] her own subjective account, and that she would have undergone medical check-ups as part of the end of her treatment”. The Licensee told Ofcom that it was not part of its case “to say that prayer alone can cure people of serious illnesses”.

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<sup>1</sup> The Licensee cited a number of cases in support of its representations, including: *Church of Scientology Moscow v Russia* (2008) 46 EHRR 16 at 72; *Church of Bessarabia v Moldova*, Appl. No. 45701/99 (2001) at 117; *Williamson v Secretary of State for Education and Employment* [2003] QB 1300 at 121-123; *Mba v Merton LBC* [2014] ICR 357 at 14; *Kokkinakis v Greece* (1993) EHRR 397; *Jersild v Denmark* (1994) 19 EHRR 1; *Vogt v Germany* (1996) 21 EHRR 205 at 52; *Sunday Times v United Kingdom No 2*, (1991) 14 EHRR 229; *Wille v Liechtenstein* (1999) 30 EHRR 558 at 67; *Mouvement Raelien Suisse v Switzerland* (2013) 56 EHRR 14; *Gunduz v Turkey* (2005) 41 EHRR 5; and *Khurshid, Mustafa and Tarzibachi v Sweden* (2011) 52 EHRR 24.

In Governance Ministries' view, it "should be permitted to broadcast the subjective testimonies of individuals concerning the effect which their belief in God has had on their lives and that their belief has had an important role to play in their wellbeing". The Licensee said that the right to discuss miracles "is an essential part of the Christian religion" and the "right to discuss it is protected by Articles 9 and 10" and suggested "Ofcom's approach would prohibit any mention of miracles on television" as "any such mention of them can be potentially construed as encouraging persons to rely on miracles".

In the Licensee's view, Ofcom had provided "no facts or evidence to support a proposition that a testimony expounding on the part that prayer can play and the power it can have in helping an individual in their struggle with serious illnesses is likely to lead viewers to abandon medical treatment". Governance Ministries reiterated that "Ofcom may impose restrictions on religious testimony in editorial programming only to the extent that such restrictions are proportionate and necessary...there needs to be an evidence base for contending that broadcast of this testimony is harmful". The Licensee added that it was "not aware of any evidence of vital medical treatment having been foregone as a result of such broadcasts".

The Licensee further commented on a reference made by Ofcom in the Preliminary View to the Cancer Act 1939 (see reference below in the Decision section). The Licensee said that it suspected that this Act was not "intended to prevent those of religious belief professing the power of prayer to help them, including in battling cancer". In the Licensee's view the Cancer Act was irrelevant.

Finally, Governance Ministries said if Ofcom recorded a breach of the Broadcasting Code in this case it would be "restricting claims [to cure serious illness] which come nowhere near those which were restricted in previous cases on which have come before Ofcom, for example Unity FM Birmingham<sup>2</sup>, Believe TV<sup>3</sup> and Venus TV<sup>4</sup>". The Licensee said that if "Ofcom is now to take a stricter line under Rule 2.1...it should do so only by setting out its position in evidence based guidance to broadcasters, following proper consultation and due warning, rather than through picking on [its] broadcast of Pat's testimony".

## Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards to broadcast content as appears to it best calculated to secure the standards objectives, including that "generally accepted standards are applied to the content of television...services to as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material". This objective is reflected in Section Two of the Code.

In reaching a Decision in this case, Ofcom has carefully taken into account the broadcaster's right to freedom of expression. This gives the broadcaster a right to impart information and ideas, and the audience a right to receive them without unnecessary interference by public authority, but subject to restrictions prescribed by

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<sup>2</sup> [http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb281/Issue\\_281.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb281/Issue_281.pdf)

<sup>3</sup> <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb188/obb188.pdf>

<sup>4</sup> <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb269/>

law necessary in a democratic society. It is set out in Article 10 of the European Convention of Human rights (“ECHR”).

Ofcom also had close regard to Article 9 of the ECHR which states that everyone “has the right to freedom of thought, conscience and religion.” This Article goes on to make clear the freedom to “manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of...health...or for the protection of the rights and freedoms of others”.

We noted the Licensee’s comments that “to hold that Christians may not, when speaking to other Christians on an expressly Christian channel, say that they believed that the strength given to them by their belief in God has played a significant part in curing them of an illness would be a disproportionate interference with the rights of free speech”. The Licensee said that the right to discuss miracles “is an essential part of the Christian religion” and “is protected by Articles 9 and 10”, and suggested “Ofcom’s approach [recording a breach of the Code in this case] would prohibit any mention of miracles on television”.

Broadcast content may include material in which prayer is presented as a means of supporting people through illness and personal difficulties. It may also contain content discussing or highlighting events which are presented as miracles. Nothing in this Decision would, as asserted by the Licensee, prohibit references to miracles on television. In considering this case, Ofcom has had due regard to these points and taken into account the Licensee’s submission that Christians may derive comfort and solace from prayer, or a belief in faith healing or miracles, particularly when ill or encountering personal difficulties.

Ofcom’s statutory duties are not to question or investigate the validity of religious belief or its consequences but to require broadcasters to comply with the standards in the Code in order to provide adequate protection for members of the public from harmful material being broadcast. Therefore, when investigating broadcast content which includes testimony about faith healing, Ofcom must balance the right to freedom of expression and freedom of religion of the broadcaster and audience (as reflected in Articles 9(1) and 10(1) of the ECHR) against Ofcom’s statutory duty to provide adequate protection for the public from potentially harmful material (particularly, in this case, with respect to public health, as reflected in Article 9(2) of the Convention). We carried out this careful balancing exercise in this case.

In assessing whether there was a breach of Rule 2.1 in this case, Ofcom had to consider whether the testimony broadcast could have encouraged viewers to believe that cancer could (or should) be treated through faith and prayer *alone*. If this was the case, there may be potential for harm to viewers with cancer if they believe that they do not need to seek conventional medical treatment (or, alternatively, may seek to abandon their existing treatment), on the basis of what they had seen and heard.

We carefully assessed the testimony of Pat, as read out on the programme (see Introduction). Pat said she had been suffering from “*aggressive breast cancer*” and was undergoing a course of conventional medical treatment for her illness which she thought was “*killing the cancer, but at the same time...killing [her] body*”. She was “*very weak, and could hardly raise [her] arms up*”. She stood up in the middle of her daughter’s living room and said, “*Jesus, heal me or take me home*”. In Ofcom’s view, viewers would have understood these words to mean that Pat had called on Jesus Christ to heal her or let her die. Pat then experienced a “*warm feeling from the very top of her head to the bottom*” and immediately knew she “*was healed and would not*

*have any more treatments*". Pat then confirms that she's been *"healed for over ten years"*. Contrary to the Licensee's submissions, Ofcom considered that viewers were likely to interpret this as meaning that Pat's prayer alone – rather than the treatment she had undergone – had resulted in her cancer being cured (either completely or at least, for ten years) and that viewers were also likely to have gained the impression that she had either not needed or not sought further medical treatment after that moment in time.

Ofcom also noted the juxtaposition of the reference to the serious side-effects of conventional treatment for cancer (*"it was killing my body"*) against the claim of healing brought about through faith and prayer alone (*"I remember the warm feeling from the very top of my head to the bottom. I knew I was healed..."*). We considered this increased the likelihood that some viewers might not seek, or may abandon, existing conventional medical treatment as a result of this testimony, particularly where they could relate to the adverse side-effects Pat had experienced as a result of medical treatment.

When commenting on the Preliminary View, the Licensee said that Ofcom had provided no evidence to support a proposition that "a testimony expounding on the part that prayer can play and the power it can have in helping an individual in their struggle with serious illness is likely to lead viewers to abandon medical treatment". However it was Ofcom's view that the testimony went further than simply describing an experience of prayer helping an individual through a serious illness. Rather, Pat's testimony recounted an instance of miraculous and instant healing of cancer through prayer which resulted in Pat believing she had no further need for medical treatment. Further it is not necessary for Ofcom to be able to produce evidence of actual harm resulting from certain broadcast content in order to record a breach of Rule 2.1. Ofcom's published Guidance on Rule 2.1 underlines that this rule is concerned with "material that has the potential [emphasis added] to be harmful...".

Ofcom considers carefully the balance that must be struck between, on the one hand, the broadcaster's right to freedom of expression and freedom of religion against the reasonable limitations placed on these rights such as, for instance, the protection of public health. We took particular account of the Licensee's submissions in this case, that the harm identified was not sufficient to engage the restrictions set out in Articles 9(2) and 10(2) of the ECHR. Ofcom disagreed with the Licensee on this point. Although it may be the case that (as submitted by the Licensee) religious belief which espouses hatred or acts of violence may tend to fall clearly within the category of behaviours against which Articles 9(2) and 10(2) seek to protect, these activities do not necessarily set the threshold for what may be deemed to be unacceptable. In Ofcom's view, given the particular content of the material broadcast (as set out above), the principles set out in the court judgments cited by Governance Ministries are consistent with the view we have taken.

Ofcom assesses whether there is a potential for harm in a case involving medical claims by taking account of all the relevant circumstances, such as the nature of the content, the illnesses or medical conditions referred to, the claims made, the channel and the potential vulnerability of likely viewers. Having taken account of these factors, and for the reasons above, it was Ofcom's view that the broadcast of this testimony did have the potential to cause harm to viewers, particularly any who were potentially vulnerable because they were suffering from cancer.

We next considered whether the Licensee took steps to provide adequate protection to viewers from this potentially harmful material.

Ofcom considered the provision of adequate protection was especially important when considering a claim of cancer being healed. Cancer is a significant public health concern as reflected by the fact that Parliament has specifically legislated to prevent the publication of advertisements or the provision of advice about the disease<sup>5</sup>. We therefore considered that programmes including claims of cancer being cured through prayer alone needed to be treated with particular care.

How adequate protection for viewers might be achieved is an editorial matter for the individual broadcaster. Ofcom could not identify any steps that the Licensee took to place any caveats around Pat's testimony, or provide information to put her testimony into context. Ofcom noted for example that at no point immediately before, during or immediately after the prayer report was any reference made to the need for viewers suffering from cancer to seek or continue with medical treatment.

In reaching our decision we took careful account of the Licensee's and audience's rights to freedom of religion and freedom of expression, and Governance Ministries' comments that it should be permitted to broadcast individuals' testimonies of faith healing, miracles and the efficacy of prayer. Ofcom reiterates that the Code places no prohibition on the broadcast of testimony, which includes an individual's experience of faith healing, or discussion of miracles. However, in the particular circumstances of this case, given the nature of Pat's testimony as broadcast, in our view some contextualisation was required in order to provide adequate protection to viewers from potential harm.

We noted the Licensee's comments comparing the content of concern in *Jesse Duplantis Ministries* to that which resulted in breaches being recorded against Unity FM Birmingham<sup>6</sup>, Believe TV<sup>7</sup> and Venus TV<sup>8</sup>. Ofcom acknowledged, for example, that the content of concern in this case was significantly briefer than in those three previous cases. We noted that the breaches recorded against Believe TV and Venus TV were considered so serious that, in the case of Believe TV, a statutory sanction was imposed, and in the case of Venus TV, the broadcaster was warned that any further similar breaches may result in further regulatory action. In the case of Unity FM Birmingham, a statutory sanction was not considered but Ofcom recognised the various steps taken by the Licensee as a result of the initial broadcast. We therefore consider that the comparative seriousness of this case is duly reflected in this Decision and is consistent with these previous findings.

Nonetheless, for the reasons set out above, we were satisfied that on the particular facts of this case Pat's testimony did pose a risk of potential harm to viewers (particularly those suffering from cancer who might therefore be vulnerable to some extent) and the Licensee did not provide adequate protection to viewers. This content therefore breached Rule 2.1.

### **Breach of Rule 2.1**

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<sup>5</sup> See section 4 of the Cancer Act 1939.

<sup>6</sup> See footnote 2.

<sup>7</sup> See footnote 3.

<sup>8</sup> See footnote 4.

## Resolved

### Time of Our Lives

*Sky Sports 1, 18 August 2015, 04:45*

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#### Introduction

*Time of Our Lives* is a discussion programme broadcast on Sky Sports 1. The guests on each episode are retired players from British football teams who are invited by the host to talk about their experiences.

The licence for Sky Sports 1 is held by Sky UK Limited (“Sky” or “the Licensee”).

Two complainants alerted Ofcom to the broadcast of offensive language during this episode. Ofcom noted that at approximately 05:40 one of the participants described a fellow player as “a tough little fucker”.

Ofcom considered 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<sup>1</sup>...”.

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

#### Response

The Licensee said Sky Sports channels carry a range of live programming. Programmes of various lengths are available if live coverage ends earlier or later than expected. In this case the Licensee explained that the episode of *Time of Our Lives* was broadcast at this time by mistake. Sky said that the overrunning coverage of an earlier live sporting event and human error led to this programme being broadcast at 04:45, rather than 03:30 as originally intended. The Licensee said that unfortunately the operator of the playout system did not recognise that the episode was only suitable for a post-watershed broadcast.

Sky apologised for this oversight and explained that it had introduced additional measures to ensure that the error was not repeated. It said that all programming is now more clearly labelled so that potentially unsuitable material is easily recognisable and that no post-watershed material is scheduled for similar slots following live events. The Licensee said it also planned to implement an automated alarm in its playout system that would alert operators to any inappropriately rescheduled programmes.

#### 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, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

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<sup>1</sup> The Code states that the watershed is at 21:00 and that material unsuitable for children should not, in general, be shown before 21:00 or after 05:30.

Rule 1.14 of the Code states that “the most offensive language must not be broadcast before the watershed...”.

Ofcom research on offensive language<sup>2</sup> notes that the word “fuck” or its variations are considered by audiences to be amongst the most offensive language. The Code states that the watershed starts at 21:00, and that material unsuitable for children, should not, in general, be shown before 21:00 or after 05:30. This broadcast of the most offensive language occurred at 05:40 and therefore breached Rule 1.14.

However, we took into account the measures Sky had implemented to minimise the likelihood of a recurrence. We therefore considered the matter resolved.

## **Resolved**

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<sup>2</sup> Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>).

## Broadcast Licence Conditions cases

### In Breach

#### Broadcasting licensees' late and non-payment of licence fees

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Ofcom is partly funded by the licence fees it charges television and radio licensees. We have a statutory obligation to ensure that the fees paid by licensees meet the cost of Ofcom's regulation of broadcasting. The approach Ofcom takes to determining licensees' fees is set out in the Statement of Charging Principles<sup>1</sup>. Detail on the fees and charges payable by licensees is set out in Ofcom's Tariff Tables<sup>2</sup>.

The payment of a licence fee is a requirement of a broadcasting licence<sup>3</sup>. Failure by a licensee to pay its licence fee when required represents a significant and fundamental breach of a broadcast licence, as it means that Ofcom may be unable properly to carry out its regulatory duties.

Ofcom recently informed licensees that, as of April 2015, licensees who pay their annual licence fees late – and who do not inform Ofcom in advance of the payment date that they foresee issues with making payment on time – are likely to be found in breach of the conditions of their licence relating to payment of fees and could be considered for the imposition of a statutory sanction.

### In Breach

The following radio licensee failed to pay its annual licence fees by the required payment date. This licensee has therefore been found **in breach** of Conditions 3(1) and 3(2) of its broadcast licence.

The outstanding payment has now been received by Ofcom. Ofcom will not be taking any further regulatory action in this case.

Licensee	Service Name	Licence Number
Llandudno Community Radio Limited	Tudno FM	CR000156BA

#### Breaches of Licence Conditions 3(1) and (2) in Part 2 of the Schedule of the licence.

The following television licensees failed to pay their annual licence fees by the required payment date. These licensees have therefore been found **in breach** of Conditions 4(1) and 4(2) of their broadcast licences.

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[http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging\\_principles.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf)

2 [http://www.ofcom.org.uk/content/about/annual-reports-plans/tariff-tables/Tariff\\_Tables\\_2015\\_16.pdf](http://www.ofcom.org.uk/content/about/annual-reports-plans/tariff-tables/Tariff_Tables_2015_16.pdf)

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

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

Licensee	Service Name	Licence Number
Arise Broadcasting Limited	ARISE News	DTPS100762BA
Arise Broadcasting Limited	Arise News	TLCS001677BA
Arise Broadcasting Limited	ARISE 360	TLCS001676BA
Bangla Multimedia Limited	Global Bangla TV	TLCS100613BA
Kashmir Broadcasting Corporation Limited	KBC	TLCS000544BA

**Breaches of Licence Conditions 4(1) and (2) in Part 2 of the Schedule of the relevant licences.**

The following television licensees failed to pay their annual licence fees by the required payment date. These licensees have therefore been found **in breach** of Conditions 4(1) and 4(2) of their broadcast licences.

In the specific circumstances of the following cases<sup>4</sup>, the late or non-payment of the fee was considered by Ofcom to amount to a serious licence breach. **Ofcom is therefore putting these licensees on notice that the breach is being considered for the imposition of a statutory sanction, which may include a financial penalty.**

Licensee	Service Name	Licence Number
Executive Decision Limited	Airfi	TLCS001530BA
24 Live UK Limited	24 Live	TLCS001748BA
Kingdom Media Limited	Kingdom Europe	TLCS100267BA

**Breaches of Licence Conditions 4(1) and (2) in Part 2 of the Schedule of the relevant licences.**

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<sup>4</sup> This Finding was amended after publication to correct a factual inaccuracy.

## In Breach

### Providing a service in accordance with ‘Key Commitments’

*Pulse Media Broadcasting*

<b>Licensee (Service name)</b>	<b>Decision</b>
Pulse Media Broadcasting (Pulse)	<p>Licence Condition 2(4) in Part 2 of the Schedule to Pulse Media Broadcasting’s licence states that:</p> <p>“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).</p> <p>Ofcom received a complaint that there were no specialist music shows broadcast on Pulse in the evenings and at weekends, as required by the Key Commitments contained in Pulse Media Broadcasting’s licence.</p> <p>Pulse Media Broadcasting stated that:</p> <ul style="list-style-type: none"><li>• the station had recently lost a number of volunteer presenters and as a result was currently running a reduced service; and</li><li>• it was working on providing new specialist music programmes subject to new volunteer presenters being available.</li></ul> <p>We acknowledged that the lack of specialist music programming on the station had arisen as a result of the departure of a number of volunteer presenters at the same time. However we noted that Pulse Media Broadcasting failed to notify Ofcom that it was experiencing difficulties in meeting this Key Commitment.</p> <p><b>Breach of Licence Condition 2(4)</b></p>

## Resolved

### Provision of information: audit of television licensees

#### *Saviour Broadcasting TV Network*

Licensee	Decision
Saviour Broadcasting TV Network Limited (“the Licensee”)	<p>Saviour Broadcasting TV Network Limited failed to provide information that had been requested by Ofcom during an audit of television licensees.</p> <p>Ofcom requested the information to ensure that licensees continue to meet the criteria for being licensed in the UK, in accordance with statutory licence restrictions and relevant provisions of the Audiovisual Media Services Directive.</p> <p>The audit also served the important purpose of ensuring that the information Ofcom holds on its licensees is accurate and up-to-date.</p> <p>Ofcom considered the failure by the Licensee to provide the information raised issues warranting investigation under Licence Condition 12(1) of its licence, which states:</p> <p style="padding-left: 40px;">“The Licensee shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents...or other information as Ofcom may require for the purpose of exercising the functions assigned to it by or under the 1990 [Broadcasting] Act, the 1996 [Broadcasting] Act, or the Communications Act...”.</p> <p>After Ofcom launched an investigation into the matter, the Licensee submitted the required information. In the circumstances, we consider the matter resolved. The Licensee should note, however, that should any similar issues arise in future, we may consider further regulatory action.</p> <p><b>Resolved</b></p>

## Fairness and Privacy cases

### Not Upheld

#### Complaint by Havering Borough Council

*Can't Pay? Final Demand Special, Channel 5, 14 April 2015*

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#### Summary

Ofcom has not upheld Havering Borough Council's ("HBC") complaint of unjust or unfair treatment in the programme as broadcast.

The programme showed a woman and her 11 year old daughter being evicted from their flat and examined its consequences. In particular, the programme included the woman's unsuccessful attempt to get HBC to provide her and her daughter with emergency accommodation for the night of their eviction.

Ofcom found that:

- The broadcaster took reasonable care to satisfy itself that the programme did not present, disregard or omit material facts, with regard to the claims made about HBC's actions in relation to securing emergency accommodation for Ms Merritt and her family on the night they were evicted in a way that resulted in unfairness to it.
- Ofcom did not consider, in the particular circumstances of this case, that Ms Merritt's and Mr Bohill's comments in the programme amounted to significant allegations about HBC that required the broadcaster to have offered the Council an appropriate and timely opportunity to respond to them.

#### Introduction and programme summary

On 14 April 2015, Channel 5 broadcast a special edition of *Can't Pay? We'll Take it Away*, which followed High Court Enforcement Officers ("HCEOs") as they sought to recover debts or carried out evictions of tenants in rent arrears. One story featured in the programme was the eviction of Ms Deborah Merritt from a flat in Rainham, Essex, because she was in arrears with the rent.

Two HCEOs, Mr Paul Bohill and Mr Steve Pinner, were shown travelling to and arriving at the property. The programme's narrator said:

*"The team have over 50 years combined enforcement experience. It takes a lot to shock them, but this next job will put them in one of the most difficult situations of their careers".*

The programme then showed footage of the HCEOs carrying out the eviction. The narrator said that Ms Merritt had rent arrears following the loss of her job after a serious accident in which she had *"a broken collar bone and broken cheek bone"*. Ms Merritt was shown crying after being given the repossession order and told that she was facing immediate eviction. Ms Merritt was then shown telling the HCEOs that she needed to get in touch with her daughter who was at school after which the narrator said: *"even though a child is involved, the High Court writ demands the*

*agents carry out the eviction, but Deborah and her daughter have nowhere else to go”.*

A short while later, the narrator said that Ms Merritt’s situation was *“even worse than the agents first thought”* after which Mr Pinner was shown saying: *“she has no friends or relatives, she’s been here about a year, doesn’t know any of the neighbours, and doesn’t have any means of transport, money or anything”.*

This was followed by footage of Mr Bohill saying:

*“From the very outset, Debbie struck me as being an absolutely genuine case. She’d got a broken shoulder, she was, in my view, malnourished, she was worried to death about the child coming home from school and finding the house locked up and she wouldn’t be there. She genuinely did not know what to do next”.*

Viewers then heard Mr Bohill offer to arrange for Ms Merritt’s daughter to be picked up from school before the narrator said:

*“Deborah is now homeless and must appeal to her local council who have a duty of care to provide emergency accommodation for her and her daughter”.*

The footage shown alongside this comment included an image of one of the HCEOs holding a leaflet with the words: *“Housing Advice – Next Steps”* across the top in bold type and a logo with the word *“Havering”* next to it on the top right hand corner of the piece of paper. The image was shown for approximately one second.

The programme then showed footage of Ms Merritt calling HBC’s *“homeless advice unit”* and getting an automated message in response. Afterwards, Mr Bohill said: *“The homeless lines are not being answered and there’s a recorded message that’s saying just email us. You’ve just been kicked out of your house, you haven’t got your computer or anywhere to plug it in, so where is that going to go? It’s obviously going to go nowhere”.* This was followed by footage of Mr Bohill saying to Ms Merritt: *“Yours is like an Alice in Wonderland situation. You’re really at the end of the line. I can understand that”.*

This part of the programme ended with the narrator saying:

*“Unable to contact the Council on the phone, Paul and Steve are desperately worried. With nowhere to go it’s looking like Deborah and her daughter could be out on the street tonight”.*

The next part of the programme started with a summary of the key points of Ms Merritt’s story, as set out above, after which the programme’s narrator said:

*“The family are now homeless. Unable to reach the Council, Deborah needs to plead her case for emergency housing in person”.*

Mr Pinner was heard advising Ms Merritt to pack the items she would need over the next few days and telling her: *“Once the Council get their act together, they’ll put you in temporary accommodation at least because of your daughter”.* After Ms Merritt’s daughter arrived home from school, followed soon afterwards by Ms Merritt’s partner, the three of them packed some things and were then taken to the Council’s offices.

Footage of the family putting their bags in to a car and being driven away was intercut with footage of Mr Bohill saying:

*“You’ve got desperately needy homeless people trying to get in touch with the people who are set up there to help them, the homeless department, speciality social services, whatever it might be, and they’re all on answerphone, no one is picking the phone up, so it’s as bad as it gets really”.*

The narrator then said: *“Although Paul’s arranged for them to be driven to the Council, there’s no guarantee they’ll get emergency housing”.* Footage of the outside of the Council offices, followed by footage of Ms Merritt entering the building, was shown.

Immediately afterwards, the narrator said: *“Later that night, Paul received a phone call, Debbie and her daughter were on the streets”.* Mr Bohill was then shown saying:

*“She phoned to say they were asking her to leave the Council office and come back on the following day, which was a Friday, and they would do nothing to re-home her. Well, I thought that was absolutely terrible. Off the top of my head, I said just walk out into the street find the nearest B&B or hotel and I’ll pay for the hotel for the night”.*

The narrator then said: *“Paul’s act of kindness kept the family safe”.* This was followed by footage of Ms Merritt, her daughter and her partner which had been recorded the following morning. During this footage, Ms Merritt said:

*“We would have lived on the streets last night, literally, me and my daughter would have been on the streets, or, they said I would have been on the streets [and] my partner, and my daughter would have gone into foster care for the night, which is not an option whatsoever. They had nowhere, they had no properties available whatsoever, or any hostels, or any hotels”.*

Mr Bohill was then shown saying:

*“The Council rang me and the officer dealing with her case said: ‘why are you doing this for her?’ and I said ‘because it’s my view that you have failed in your duty to provide her with housing and I’m not prepared to allow her to wander the streets on a cold night like this with an 11 year old child’”.*

The programme then explained that, after leaving the hotel paid for by Mr Bohill, Ms Merritt went back to the Council offices and, after six hours, was given temporary accommodation for her and her daughter over the weekend, but told to return the following Monday as they had no accommodation available after Sunday.

This section of the programme ended with Mr Bohill saying:

*“Yes it was an extreme case. Probably in the last 100 cases it’s the only one where I’ve ever felt moved to seriously take those steps”.*

Just prior to the end of the programme, three on-screen graphics with the following text were shown:

*“Havering Council has apologised that Deborah Merritt’s calls were not answered”;*

*“They have put measures in place to ensure that a similar incident does not happen again”;* and,

*“Two months later, the Council is still considering the appropriate way to assist Debbie long term”.*

The first two graphics were shown alongside footage of the Council’s offices and the final one was shown alongside footage of Ms Merritt.

### **Summary of the complaint and the broadcaster’s response**

- a) The Council complained that it was treated unjustly or unfairly in the programme as broadcast because the programme deliberately misrepresented its decisions and practices with regard to the application made to it for emergency housing by Ms Merritt.

In particular, the Council said that the programme’s claims that Ms Merritt was told that there was no accommodation available for the first night after her eviction and that the only option offered to her for that night was for her daughter to be placed in overnight foster care were untrue. It said that Ms Merritt told its officers that she did not have a suitable place to stay. However, before they could go on “to identify a short-term emergency placement” for her, Ms Merritt contacted one of the HCEOs and then told the Council officer dealing with her case that he would fund an overnight stay. The Council officer then spoke to the HCEO to verify that this was the case and, satisfied that the offer was genuine, accepted the arrangement.

In response to this head of complaint, Channel 5 said that the programme fairly represented the facts as Ms Merritt, Mr Bohill and the programme makers understood them and that HBC provided no basis for its claim that the programme deliberately misrepresented its decisions and practices in relation to Ms Merritt’s case.

Channel 5 said that there was a factual dispute between HBC and Ms Merritt about what happened when Ms Merritt asked HBC to provide her and her daughter with accommodation after they were evicted from their home.

It said that, the transcript of Ms Merritt’s interview with one of the programme makers (a copy of which was provided to Ofcom) showed that Ms Merritt told the programme makers that, at about 17:30 or 18:00 on the day she was evicted, the Council officer dealing with her case at HBC said to her that, because he had been unable to establish that HBC, rather than a neighbouring council, had responsibility for housing her and her daughter, “at the moment we can’t really do anything” although “in extreme cases we can help your daughter because she is under 16”. Ms Merritt said that the officer also said: “in extreme cases is just temporary care overnight, because we can help you tomorrow but you can come back in the morning”. During the interview, Ms Merritt also said that, after she was given this news, she asked the Council officer where she and her daughter should go that night and he advised her that she had to leave the Council offices and she should go to the police station for assistance. Ms Merritt said that she then asked the Council officer to call her landlord so she could ask him if she could go back to her old flat for the night and, after the officer said he could not do this, she called Mr Bohill. Ms Merritt told the programme makers that, during her conversation with him, Mr Bohill said: “because the Council can’t help you and give you any accommodation for you and your daughter tonight, which I find

disgusting, I can help you, like, find accommodation for tonight and I will pay for it tonight for you; but, before you leave the Council, let them know that you have got somewhere to stay for tonight and you will be back in the morning, because you are homeless [and] I can't change that". Ms Merritt added that Mr Bohill then arranged accommodation for her and her daughter in a nearby hotel and called her back with the details.

Channel 5 said that there was no credible reason to believe that Ms Merritt had misreported these events. It also said that Mr Bohill had made a statement (a copy of which was provided to Ofcom) which substantiated her position. In particular, the broadcaster observed that Mr Bohill confirmed that Ms Merritt called him at 17:30 on the day she was evicted and informed him that the housing department at HBC had told her that they "would not give her emergency accommodation that night and she would have to come back the following day". He said that he had responded by telling Ms Merritt to look for accommodation close to the Council office which would accept payment by credit card and that he would settle the account. Mr Bohill said that afterwards a man who said he worked for the Council called and asked him to confirm that he had "made an arrangement with Ms Merritt to pay for accommodation that night". Mr Bohill added that the man asked if it was usual for us to offer this facility and that he had responded by saying it was very rare, but he felt the Council had failed in their duty to house Ms Merritt and her daughter in emergency accommodation. Mr Bohill also said:

"There was no implication or suggestion that the Council had in fact offered her [Ms Merritt] accommodation. He [the Council officer] recommended that we contact the Premier Inn [which] he knew had vacancies and [said] that we could probably get a discount if we referred to the fact that we were involved in an eviction and the Council had told us to call them".

Channel 5 said that there is no disagreement between HBC, Ms Merritt and Mr Bohill regarding the key issue: that HBC was prepared for an individual (Mr Bohill) to arrange and pay for accommodation for Ms Merritt, her partner and her child on the evening she was evicted rather than ensure that it arranged and paid for that accommodation. It also said that nothing in the programme suggested a version of events which was more detrimental to HBC or cast its decisions and practices in a worse light than the facts to which it had admitted. The broadcaster also said that the conversation between the Council officer and Mr Bohill, which HBC described and relied upon in its complaint, established the following points:

- the Council had not arranged emergency accommodation for Ms Merritt;
- Mr Bohill had offered to arrange emergency accommodation for Ms Merritt;
- but for this offer, Ms Merritt and her family would not have been accommodated (Channel 5 said that the complainant did not dispute this);
- when the Council officer spoke to Mr Bohill he had not arranged for any accommodation for Ms Merritt;
- he was content to give suggestions regarding where Ms Merritt might find somewhere to stay if Mr Bohill paid for it rather than arranging and paying for the accommodation himself; and,

- the Council officer did not indicate that HBC would provide accommodation for Ms Merritt if Mr Bohill did not do so.

Channel 5 said that the programme's representation of this event was fair and appropriate and observed that, in its complaint, HBC did not assert that it would have found emergency accommodation for Ms Merritt if Mr Bohill had not done so or that Ms Merritt would not have been "*on the streets*" if Mr Bohill had not intervened. It argued that the programme included no serious allegation in respect to the claims made about HBC's actions in relation to Ms Merritt's request for emergency accommodation and that instead, it reported a fact.

In its response, the broadcaster also said that the programme reflected the response HBC gave to the programme makers when asked to comment on the difficulties Ms Merritt experienced as she tried to contact the homeless advice unit when she was being evicted; as well as HBC's description of the status of Ms Merritt's case from the same statement (i.e. that it was ongoing and a long-term solution had not yet been put in place).

- b) The Council also complained that it was treated unjustly or unfairly in the programme as broadcast because it was not given an appropriate and timely opportunity to respond to the claims in the programme that Ms Merritt and her family were turned out onto the streets with nowhere to go; and, that the Council had told Ms Merritt that the only other option was to put her daughter into overnight foster care.

With reference to its response to head a) of this complaint (see above), Channel 5 said that, given that the programme's presentation of the relevant matters (i.e. HBC's actions and advice with regard to the securing of emergency accommodation for Ms Merritt and her daughter on the day they were evicted) was factually correct, it was not an allegation of wrongdoing or incompetence.

It said the programme faithfully reflected what Ms Merritt and Mr Bohill believed to be the position. It also said that, given that Ms Merritt reported what she said she had been told by the Council officer and Mr Bohill's conversation with that officer supported Ms Merritt's understanding of events, there was no reason for the programme makers to have asked HBC to respond to the claims that:

- but for Mr Bohill's intervention, Ms Merritt would have been out on the streets that night; or,
- that the only option HBC could provide involved Ms Merritt being separated from her daughter who would be placed in overnight foster care.

Channel 5 said this was precisely what Ms Merritt said she was told by the Council officer and Mr Bohill had reported that the Council officer did not indicate otherwise when he spoke to him. It added that this was despite the fact that Mr Bohill set out the position as Ms Merritt had explained it to him during his telephone conversation with the Council officer.

Notwithstanding its view that it was unnecessary to have offered HBC an opportunity to respond to the claims set out above in order to avoid unfairness to it, Channel 5 also said that the programme makers had arranged a filmed interview with a spokesperson from HBC about Ms Merritt's situation and intended to include parts of the interview in the programme. However, HBC

cancelled the interview and failed to re-arrange it despite further invitations from the programme makers to do so. Channel 5 added that HBC then asked the programme makers to send it the question(s) the programme wanted HBC to answer and said it would provide a written statement in response. The programme makers asked HBC to comment on Ms Merritt's claim that her telephone calls to the homeless advice unit went unanswered and, as set out in the Channel 5's response to head a) above, HBC's statement on this matter was subsequently reflected in the programme.

### **Ofcom's Preliminary View**

Ofcom prepared a Preliminary View on this case that HBC's complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View, however, neither chose to do so.

### **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its Decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript and both parties' written submissions.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its Decision on the individual heads of complaint detailed below.

- a) Ofcom first considered HBC's complaint that it was treated unjustly or unfairly in the programme as broadcast because the programme deliberately misrepresented its decisions and practices with regard to the application made to it for emergency housing by Ms Merritt.

In considering this part of the complaint, Ofcom had regard to Practice 7.9 of the Code which provides that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to the individual or organisation.

As set out in the "Introduction and Programme Summary" section above, the programme showed Ms Merritt being evicted from her flat with her 11 year old daughter and explained that, following Ms Merritt's failed attempts to get help from the Council's homeless advice unit via telephone, the HCEOs who carried out the eviction arranged for Ms Merritt and her daughter to be taken to the

Council's offices so she could "*plead her case for emergency housing in person*". The programme's narrator subsequently said that HBC did not provide emergency accommodation for Ms Merritt and her daughter that day and instead, after receiving a call from Ms Merritt, Mr Bohill (one of the HCEOs) arranged and paid for accommodation for them that night. The programme also informed viewers that Ms Merritt and her daughter returned to the Council's offices the next day and that the Council then provided them with emergency accommodation for the following three nights.

Having viewed this section of the programme, noting the narration, and both Ms Merritt's and Mr Bohill's description of events (as included in the programme), Ofcom considered that it would have been clear to viewers that Ms Merritt understood the Council officer to have told her that there was no accommodation available for her and her daughter together on the first night following their eviction; and, that the only option he offered to her for that night was for her daughter to be placed in overnight foster care – which was unacceptable to her.

Ofcom noted that the HBC complained that the programme had "deliberately misrepresented" its practices in relation to emergency housing and, specifically, that before the Council officer could go on to the next stage in the emergency housing process, which was "to identify a short-term emergency placement [for Ms Merritt and her daughter] in a hostel, B&B or hotel", Ms Merritt had contacted Mr Bohill and had then told the Council officer that he would pay for overnight accommodation for her. However, we noted also that Ms Merritt's recollection in interview and that of Mr Bohill indicated that these actions were taken by Ms Merritt and then Mr Bohill because by 17:30 or 18:00 on the day of the eviction the Council officer had not identified short-term emergency accommodation for Ms Merritt and her daughter, and, according to Ms Merritt, had told her that she must leave the Council offices and go to the police for assistance.

With regard to Ms Merritt's and Mr Bohill's contribution to the programme, it is important to clarify at this point that it is not Ofcom's role to establish whether or not the substance of the contributions were factually correct or not, but to determine whether or not in broadcasting the comments, the broadcaster complied with the Code in avoiding unjust or unfair treatment of individuals or organisations. In doing so, Ofcom considered the context in which the comments as expressed by Ms Merritt and Mr Bohill in the programme were shown and whether the programme's presentation of these comments resulted in unfairness to the Council.

We assessed the basis on which Ms Merritt's and Mr Bohill's comments were included in the programme. We noted that the comments were based on the first-hand testimony of Ms Merritt which she gave to the programme makers about her experience of these events, some of which (notably the footage of Ms Merritt on the morning after she was evicted) was recorded very soon after the events occurred. The comments made in the programme were also based on the statement made to the programme makers by Mr Bohill – the person who arranged and paid for the emergency accommodation for Ms Merritt and her family on the night of the eviction. We noted that Mr Bohill's account corroborated Ms Merritt's recollection and understanding of the events. In particular, we noted Mr Bohill stated that the Council officer had not indicated to him that the Council had, in fact, offered Ms Merritt accommodation for the night, but was instead content for Mr Bohill to pay for accommodation and suggested places where he might arrange for Ms Merritt to stay.

While we recognise from its complaint that HBC might have preferred for the programme to have reflected its practices in relation to emergency housing and how they were applied in this particular case, it was not disputed by either party that the Council did not provide Ms Merritt and her family with emergency accommodation on the night she was evicted. It was not, in our view, for the broadcaster to reflect in the programme what the Council would have said or advised if Mr Bohill had not intervened on behalf of Ms Merritt in finding her and her family emergency over-night accommodation. Instead, the programme represented the events as they happened and were understood by Ms Merritt and Mr Bohill at the time they took place. In our view, this presented these events fairly and there was no evidence to support HBC's allegation that the programme "deliberately misrepresented" its decision and practices in relation to emergency housing.

Taking into account all the factors set out above, and, in particular, the basis on which the claims were made and the fact that Mr Bohill's testimony corroborated that of Ms Merritt, we considered that the broadcaster took reasonable care to satisfy itself that the programme did not present, disregard or omit material facts with regard to HBC's actions in relation to securing emergency accommodation for Ms Merritt and her family in a way that resulted in unfairness to it.

Therefore, Ofcom found that there was no unfairness to HBC in this respect.

- b) Ofcom next considered HBC's complaint that it was treated unjustly or unfairly in the programme as broadcast because it was not given an appropriate and timely opportunity to respond to the claims in the programme.

In considering this head of complaint, Ofcom took particular account of Practice 7.11 which states that, if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

Again, Ofcom noted the comments made by Ms Merritt and Mr Bohill as set out in the "Introduction and Programme Summary" section above, and considered if they could reasonably be regarded as significant allegations that would require the broadcaster to provide HBC with an opportunity to respond.

In our view, the comments made in the programme by Ms Merritt and Mr Bohill were expressions of their own opinion and understanding of the events surrounding Ms Merritt's attempts to secure emergency accommodation through HBC having been evicted from her flat. Their comments were not presented as an unequivocal statement of fact as to HBC's policy on emergency housing, but were a representation of the events as they happened and were understood by Ms Merritt and Mr Bohill at the time they took place.

For these reasons, Ofcom did not consider, in the particular circumstances of this case, that Ms Merritt's and Mr Bohill's comments in the programme amounted to significant allegations about HBC that required the broadcaster to have offered the Council an appropriate and timely opportunity to respond to them.

Therefore, Ofcom found that there was no unfairness to HBC in this respect.

**Ofcom has not upheld HBC's complaint of unfair treatment in the programme as broadcast.**

## Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 3 and 16 October 2015 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
Judge Judy	CBS Reality	04/08/2015	Generally accepted standards
Beware: Britain Running Riot	Channel 5	07/09/2015	Violence and dangerous behaviour

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 between 3 and 16 October 2015 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
Sex Diaries: Webcam Couples	4Seven	02/10/2015	Outside of remit / other	1
A Season of Poetry (trailer)	BBC 1	06/10/2015	Generally accepted standards	1
BBC News	BBC 1	11/10/2015	Generally accepted standards	1
BBC News at Six	BBC 1	12/10/2015	Generally accepted standards	1
BBC News at Ten	BBC 1	07/10/2015	Generally accepted standards	1
Doctor Foster	BBC 1	30/09/2015	Outside of remit / other	1
Doctor Foster	BBC 1	07/10/2015	Materially misleading	1
Doctor Foster	BBC 1	07/10/2015	Offensive language	1
East Midlands News and Weather	BBC 1	18/09/2015	Generally accepted standards	1
EastEnders	BBC 1	01/10/2015	Outside of remit / other	1
Have I Got News for You	BBC 1	02/10/2015	Offensive language	4
River	BBC 1	13/10/2015	Violence and dangerous behaviour	1
Strictly Come Dancing	BBC 1	03/10/2015	Gender discrimination/offence	1
Strictly Come Dancing	BBC 1	03/10/2015	Sexual material	1
Strictly Come Dancing	BBC 1	10/10/2015	Generally accepted standards	4
The Go-Between	BBC 1	20/09/2015	Nudity	1
The Graham Norton Show	BBC 1	02/10/2015	Offensive language	1
The One Show	BBC 1	09/10/2015	Generally accepted standards	1
The One Show	BBC 1	14/10/2015	Race discrimination/offence	1
Watchdog	BBC 1	08/10/2015	Generally accepted standards	2
Cash in the Attic	BBC 2	05/10/2015	Nudity	1
Family Guy	BBC 2	11/10/2015	Religious/Beliefs discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Apprentice: You're Fired!	BBC 2	14/10/2015	Outside of remit / other	1
The Apprentice: You're Fired!	BBC 2	15/10/2015	Generally accepted standards	1
The Daily Politics	BBC 2	29/09/2015	Offensive language	1
The Naked Choir with Gareth Malone	BBC 2	22/09/2015	Generally accepted standards	1
Don't Tell the Bride	BBC 3	07/10/2015	Generally accepted standards	1
We Want Our Country Back	BBC 3	06/10/2015	Generally accepted standards	1
Britons Living Behind the Veil	BBC News Channel	07/09/2015	Race discrimination/offence	1
Jeremy Vine	BBC Radio 2	16/09/2015	Generally accepted standards	1
A Beginner's Guide to Pakistan	BBC Radio 4	07/10/2015	Generally accepted standards	1
Danny Kelly	BBC Radio WM	08/10/2015	Offensive language	1
BET Awards 2015	BET Black Ent Tv	05/07/2015	Flashing images/risk to viewers who have PSE	1
Just Hits for Breakfast	Capital TV	05/10/2015	Scheduling	1
Danger Mouse	CBBC	28/09/2015	Generally accepted standards	1
The Next Step	CBBC	06/09/2015	Offensive language	1
Judging Amy	CBS Drama	22/09/2015	Scheduling	1
The Key of David	CBS Reality	11/10/2015	Generally accepted standards	1
Bernard Matthews' sponsorship of The Simpsons	Channel 4	01/10/2015	Generally accepted standards	1
Bernard Matthews' sponsorship of The Simpsons	Channel 4	n/a	Sponsorship credits	1
Channel 4 News	Channel 4	23/09/2015	Disability discrimination/offence	1
Channel 4 News	Channel 4	12/10/2015	Due impartiality/bias	1
Channel 4 News	Channel 4	13/10/2015	Due impartiality/bias	1
Channel 4 News	Channel 4	n/a	Due impartiality/bias	1
Educating Cardiff	Channel 4	06/10/2015	Under 18s in programmes	1
First Dates	Channel 4	01/10/2015	Violence and dangerous behaviour	1
French Collection	Channel 4	02/09/2015	Materially misleading	1
Gogglebox	Channel 4	08/10/2015	Due impartiality/bias	1
Gogglebox	Channel 4	09/10/2015	Religious/Beliefs discrimination/offence	3
Gogglebox	Channel 4	12/10/2015	Religious/Beliefs discrimination/offence	1
Hollyoaks	Channel 4	02/10/2015	Gender discrimination/offence	1
Hollyoaks	Channel 4	05/10/2015	Gender discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Hollyoaks	Channel 4	06/10/2015	Crime	1
Hollyoaks	Channel 4	13/10/2015	Scheduling	1
It's a Weird World	Channel 4	23/09/2015	Generally accepted standards	1
Sex Diaries: Trans Lovers	Channel 4	12/10/2015	Transgender discrimination/offence	1
The Catch	Channel 4	28/09/2015	Offensive language	1
Time Crashers	Channel 4	27/09/2015	Animal welfare	1
41 Dogs in a 3-Bed Semi	Channel 5	09/10/2015	Offensive language	7
5 News at 5	Channel 5	28/09/2015	Due accuracy	1
Can't Pay? We'll Take it Away!	Channel 5	01/10/2015	Offensive language	1
Can't Pay? We'll Take it Away!	Channel 5	07/10/2015	Generally accepted standards	2
CSI: Cyber	Channel 5	06/10/2015	Generally accepted standards	2
Funniest Fails, Falls and Flops	Channel 5	26/09/2015	Offensive language	7
Funniest Fails, Falls and Flops	Channel 5	03/10/2015	Scheduling	1
Funniest Fails, Falls and Flops	Channel 5	10/10/2015	Race discrimination/offence	1
GPs: Behind Closed Doors	Channel 5	14/10/2015	Outside of remit / other	2
Michael Bubl�e's Christmas Special	Channel 5	03/10/2015	Outside of remit / other	1
Milkshake (trailer)	Channel 5	n/a	Scheduling	1
Pets Make You Laugh Out Loud 2	Channel 5	12/10/2015	Offensive language	1
Skyscraper	Channel 5	07/10/2015	Race discrimination/offence	1
That's My Boy	Channel 5	04/10/2015	Generally accepted standards	1
The Health Lottery Draw	Channel 5	30/09/2015	Generally accepted standards	1
The Wright Stuff	Channel 5	30/09/2015	Generally accepted standards	1
The Wright Stuff	Channel 5	06/10/2015	Generally accepted standards	1
Competition	Clyde 1	27/09/2015	Premium rate services	1
Struggle of a British Muslim	Community Channel	20/09/2015	Crime	1
Supernatural (trailer)	E4	14/10/2015	Scheduling	1
Open All Hours	Gold	11/10/2015	Race discrimination/offence	1
Heart Breakfast	Heart Bristol & Somerset	23/09/2015	Race discrimination/offence	1
The Loved Ones	Horror Channel	15/07/2015	Generally accepted standards	1
The Purpose of Life Show	Iman FM 103.1	14/09/2015	Religious/Beliefs discrimination/offence	1
All Star Mr and Mrs	ITV	14/10/2015	Outside of remit / other	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Anadin's sponsorship of The Chase	ITV	02/10/2015	Sponsorship credits	1
Anadin's sponsorship of The Chase	ITV	06/10/2015	Offensive language	1
Anadin's sponsorship of The Chase	ITV	n/a	Offensive language	1
Britain's Got Talent	ITV	n/a	Television Access Services	1
Deals, Wheels and Steals	ITV	13/10/2015	Materially misleading	1
Doc Martin	ITV	05/10/2015	Animal welfare	7
Downton Abbey	ITV	20/09/2015	Advertising minutage	1
Emmerdale	ITV	01/10/2015	Scheduling	1
Emmerdale	ITV	01/10/2015	Violence and dangerous behaviour	1
Emmerdale	ITV	08/10/2015	Materially misleading	1
Emmerdale	ITV	12/10/2015	Drugs, smoking, solvents or alcohol	11
Euro 2016 Qualifier	ITV	12/10/2015	Outside of remit / other	1
Foxy Bingo's sponsorship of The Jeremy Kyle Show	ITV	15/10/2015	Sponsorship	1
Good Morning Britain	ITV	30/09/2015	Due impartiality/bias	1
ITV News and Weather	ITV	10/10/2015	Race discrimination/offence	2
ITV News and Weather	ITV	10/10/2015	Generally accepted standards	1
ITV News and Weather	ITV	13/10/2015	Generally accepted standards	1
ITV News and Weather	ITV	14/10/2015	Due impartiality/bias	1
ITV News at Ten (trailer)	ITV	13/10/2015	Generally accepted standards	1
ITV News at Ten and Weather	ITV	07/10/2015	Generally accepted standards	1
ITV News at Ten and Weather	ITV	14/10/2015	Due impartiality/bias	1
Jeremy Kyle Show	ITV	28/09/2015	Sexual material	1
Lewis	ITV	06/10/2015	Violence and dangerous behaviour	1
Lewis	ITV	13/10/2015	Drugs, smoking, solvents or alcohol	1
Loose Women	ITV	02/10/2015	Disability discrimination/offence	4
Loose Women	ITV	15/10/2015	Age discrimination/offence	1
McCain's sponsorship of Emmerdale	ITV	05/10/2015	Sponsorship credits	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Rugby World Cup	ITV	03/10/2015	Outside of remit / other	1
Rugby World Cup	ITV	03/10/2015	Outside of remit / other	1
Rugby World Cup	ITV	07/10/2015	Outside of remit / other	1
Rugby World Cup	ITV	10/10/2015	Generally accepted standards	4
Rugby World Cup	ITV	10/10/2015	Outside of remit / other	1
Sharp End	ITV	21/09/2015	Due impartiality/bias	1
Sports coverage	ITV	n/a	Outside of remit / other	1
SSE's sponsorship of ITV's coverage of Rugby World Cup 2015	ITV	Various	Generally accepted standards	2
The Daily Mirror Pride of Britain Awards 2015	ITV	01/10/2015	Generally accepted standards	2
The Jeremy Kyle Show	ITV	04/10/2015	Under 18s in programmes	1
The Jeremy Kyle Show	ITV	06/10/2015	Generally accepted standards	1
The X Factor	ITV	29/08/2015	Generally accepted standards	1
The X Factor	ITV	27/09/2015	Materially misleading	1
The X Factor	ITV	27/09/2015	Generally accepted standards	2
The X Factor	ITV	03/10/2015	Materially misleading	1
The X Factor	ITV	04/10/2015	Advertising scheduling	1
The X Factor	ITV	04/10/2015	Race discrimination/offence	1
The X Factor	ITV	04/10/2015	Generally accepted standards	14
The X Factor	ITV	04/10/2015	Offensive language	3
The X Factor	ITV	11/10/2015	Advertising minutage	2
The X Factor	ITV	11/10/2015	Generally accepted standards	3
The X Factor	ITV	11/10/2015	Outside of remit / other	1
The X Factor	ITV	11/10/2015	Scheduling	1
This Morning	ITV	01/10/2015	Under 18s - Coverage of sexual and other offences	1
This Morning	ITV	09/10/2015	Due impartiality/bias	1
This Morning	ITV	09/10/2015	Gender discrimination/offence	1
Through the Keyhole	ITV	29/09/2015	Offensive language	1
Unforgotten	ITV	08/10/2015	Offensive language	1
Channel ident	ITV / ITV2	n/a	Outside of remit/other	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Royal London's sponsorship of London Weekday Weather	ITV London	12/10/2015	Generally accepted standards	2
Euro 2016 Qualifier	ITV+1	09/10/2015	Outside of remit / other	1
Celebrity Juice	ITV2	01/10/2015	Animal welfare	3
Coronation Street	ITV2	24/09/2015	Television Access Services	1
You've Been Framed!	ITV2	08/10/2015	Generally accepted standards	1
Euro 2016 Qualifier	ITV4	08/10/2015	Race discrimination/offence	1
Breakfast	Juice FM	22/09/2015	Scheduling	1
Programming	KMFM	n/a	Outside of remit / other	1
Iain Dale	LBC 97.3FM	07/10/2015	Religious/Beliefs discrimination/offence	1
Ian Payne	LBC 97.3FM	13/10/2015	Due impartiality/bias	1
James O'Brien	LBC 97.3FM	25/09/2015	Due impartiality/bias	3
Shelagh Fogarty	LBC 97.3FM	18/09/2015	Due impartiality/bias	1
Competition	Magic 105.4	n/a	Competitions	5
Oldham Today	Oldham Community Radio	08/10/2015	Race discrimination/offence	1
Azmat E Islam	Peace TV Urdu	01/09/2015	Generally accepted standards	1
News	Phonic FM	12/10/2015	Due impartiality/bias	1
Danone's sponsorship	Pick TV	n/a	Gender discrimination/offence	1
Wheeler Dealers (trailer)	Quest	03/10/2015	Materially misleading	1
Keiser Report	RT	22/09/2015	Due impartiality/bias	1
Jonathan: Cwpan Rygbi'r Byd 2015 Cn/ Ns	S4C Digital	18/09/2015	Gender discrimination/offence	1
How to Die in Oregon	Sky Atlantic	05/10/2015	Generally accepted standards	1
Press Preview	Sky News	30/09/2015	Race discrimination/offence	1
Sky News	Sky News	24/09/2015	Due accuracy	1
Sky News	Sky News	06/10/2015	Race discrimination/offence	1
Sky News with Colin Brazier	Sky News	07/10/2015	Fairness & Privacy	1
Sky News with Colin Brazier	Sky News	07/10/2015	Generally accepted standards	1
Sky News with Kay Burley	Sky News	07/10/2015	Fairness & Privacy	1
Special Report	Sky News	02/10/2015	Due impartiality/bias	1
Sunrise	Sky News	03/09/2015	Generally accepted standards	2
Sunrise	Sky News	15/09/2015	Due accuracy	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Sunrise	Sky News	30/09/2015	Due impartiality/bias	3
Sunrise	Sky News	01/10/2015	Due impartiality/bias	1
Sunrise	Sky News	04/10/2015	Violence and dangerous behaviour	1
Sunrise	Sky News	06/10/2015	Due impartiality/bias	1
Programming	Sky Sports	n/a	Outside of remit / other	1
Football League	Sky Sports 1	11/10/2015	Materially misleading	1
Golf	Sky Sports 4	09/10/2015	Race discrimination/offence	1
The Last Panthers (trailer)	Sky Sports News	04/10/2015	Scheduling	1
News	Sky Sports News HQ	08/10/2015	Religious/Beliefs discrimination/offence	1
Karl Pilkington: The Moaning of Life	Sky1	13/10/2015	Disability discrimination/offence	2
Police Interceptors	Spike	05/10/2015	Violence and dangerous behaviour	1
News	The Breeze (Bristol)	30/09/2015	Scheduling	1
Audio Description	Various	n/a	Television Access Services	1
Programming	Various	n/a	Scheduling	1
Programming	Various	12/10/2015	Due impartiality/bias	1
Danone's sponsorship	Watch	n/a	Gender discrimination/offence	1
The Strain (trailer)	Watch	16/09/2015	Scheduling	1

## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television and radio adverts, or accuracy in BBC programmes.

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

### Complaints about television or radio programmes

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
BBC News at One	BBC 1	16/10/2015	Due impartiality/bias	1
BBC News at Six	BBC 1	06/10/2015	Due impartiality/bias	2
BBC News at Ten	BBC 1	28/09/2015	Due impartiality/bias	1
BBC News at Ten	BBC 1	07/10/2015	Due impartiality/bias	1
Question Time	BBC 1	08/10/2015	Due impartiality/bias	1
Who Do You Think You Are?	BBC 1	01/10/2015	Due impartiality/bias	1
Newsnight	BBC 2	01/10/2015	Due accuracy	1
Newsnight	BBC 2	14/10/2015	Due accuracy	1
BBC News	BBC News Channel	25/09/2015	Due accuracy	1
BBC News	BBC News website	03/10/2015	Outside of remit / other	2
BBC News	BBC News website	04/10/2015	Outside of remit / other	1
Today	BBC Radio 4	06/10/2015	Due impartiality/bias	1
Advertisement	Channel 4	04/10/2015	Advertising content	1
Advertisement	Channel 4	13/10/2015	Advertising content	2
Advertisement	Comedy Central	06/10/2015	Advertising content	1
Advertisement	ITV	03/10/2015	Advertising content	1
Advertisement	ITV	10/10/2015	Advertising content	1
Advertisement	ITV	12/10/2015	Advertising content	1
Advertisement	ITV	14/10/2015	Advertising content	1
Advertisement	More4	04/10/2015	Advertising content	1
Advertisement	n/a	11/10/2015	Advertising content	1
Advertisement	STV	13/10/2015	Advertising content	1

## Complaints about 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/>

<b>Licensee</b>	<b>Licensed service</b>	<b>Categories</b>
Sheffield Local Television Limited	Sheffield Live! TV	Outside of remit / 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 3 and 16 October 2015.

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

Programme	Broadcaster	Transmission date
Celebrity Big Brother's Bit on the Side	5*	5 September 2015
Witch Hunt: A Century of Murder (trailer)	Channel 5	13 October 2015
Advertising minutage	Geo News	Various
Saturday Morning	Irvine Beat FM	19 September 2015
The Jeremy Kyle Show	ITV	9 September 2015

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
Nightmare Tenants, Slum Landlords	Channel 5	15 July 2015
ITV News London	ITV London	18 August 2015 and 15 September 2015
Welcome TV	MATV	18 July 2015

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**

<b>Licensee</b>	<b>Licensed Service</b>
Bridgwater Young Men's Christian Association	Access 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/>.