

OFCOM BROADCAST AND ON DEMAND BULLETIN

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Investigations List

Introduction

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

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

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

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

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

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

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

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

Broadcast Standards cases

In Breach

Morning Mix

Secklow Sounds, 17 January 2019, 07:30; 23 January 2019, 07:55; and 26 February 2019, 08:10

Introduction

Secklow Sounds is a community radio station broadcasting a range of music and speech-based output to people living and working in and around Milton Keynes. The licence for the service is held by the Secklow Sounds Community Interest Company ("SSCIC" or "the Licensee").

Ofcom received complaints about the broadcast of offensive language in three music tracks:

- *Boulevard of Broken Dreams* by Green Day, broadcast at 07:30 on 17 January 2019, which included the lyric "*Read between the lines, what's fucked up and every thing's all right*";
- *Killing Me Softly* by Fugees, broadcast at 07:55 on 23 January 2019, which included the line: "*...the family of niggers are going to rat on you*"; and
- *Minority* by Green Day, broadcast at 08:10 on 26 February 2019, which included the word "*fuck*" in the lyric "*A free for all, fuck 'em all*", which was repeated twice.

We considered that this material raised potential issues under Rules 1.14, 1.16 and 2.3 of the Code:

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

Rule 1.16: "Offensive language must not be broadcast...when children are particularly likely to be listening ...unless it is justified by the context..."

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

We asked the Licensee for its comments on how the material complied with these rules.

Response

SSCIC apologised for the broadcast of the songs.

It explained that the songs were included in pre-recorded segments and that, had they been broadcast during live shows, an apology would have been given immediately as is the station's standard practice.

The Licensee added that it did not condone the broadcasting of offensive language at any time and therefore it said it was particularly regrettable that these instances occurred early in the day.

SSCIC assured Ofcom that the three tracks had subsequently been removed from its playlist library. It said that station staff were reviewing all the music in the library and would remove any problematic content immediately. It also offered to apologise personally to the complainant and issue a general on-air apology in the same timeslot.

Decision

Reflecting our duties under the [Communications Act 2003](#), Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Rule 1.14

Rule 1.14 of the Code states that the most offensive language must not be broadcast when children are particularly likely to be listening.

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

The Code states that the times "when children are particularly likely to be listening" to radio are "the school run and breakfast time, but might include other times". [Ofcom's guidance on offensive language in radio](#) states that:

"broadcasters should have particular regard to broadcasting content at the following times: between 06:00 and 09:00 and 15:00 and 19:00 Monday to Friday during term-time...".

In this case, the words "fuck" and "fucked" were broadcast at times when children were particularly likely to be listening (during the school run and breakfast time).

We took into account the steps the Licensee said it was taking to improve its compliance. However, Ofcom's view is that the broadcasts were in breach of Rule 1.14.

Rule 1.16

Rule 1.16 of the Code states that offensive language must not be broadcast when children are particularly likely to be listening unless it is justified by the context.

In this case, the word "niggers" was broadcast during the *Morning Mix* programme. We took into account Ofcom's research on offensive language which indicated that audience members considered the word "nigger" to be strong language, which is generally unacceptable pre-watershed on television (or in this case, on radio, when children are particularly likely to be listening).

We went on to consider whether the inclusion of this offensive language was justified by the context. The Code makes clear that context includes factors such as: the editorial content of the programme; the service on which the content was broadcast; the time of broadcast; the likely expectations of the audience; and any warning given to the audience.

In Ofcom's view, listeners would not have been expecting such strong language during a breakfast programme which generally consists of easy listening music. There was no contextual justification for the offensive language to be used, and this language exceeded audience expectations of this programme. In particular, we considered the expectations of parents and carers, who were unlikely to have expected the use of this kind of offensive language in this programme at this time.

We took into account that Secklow Sounds is a community radio station staffed by volunteers and the steps the Licensee said it was taking to improve its compliance. However, Ofcom's view is that the broadcast was in breach of Rule 1.16.

Rule 2.3

Rule 2.3 of the Code requires that broadcasters must ensure that material which may cause offence is justified by the context. Context includes for example: the editorial content of the programme, the service on which it was broadcast, the time of the broadcast; and the likely expectation of the audience.

As explained above, we considered the instances of the most offensive and offensive language were capable of causing offence to listeners. Ofcom therefore considered whether the content was justified by the context.

Our guidance on offensive language in radio states that "in reaching any decision about compliance with the Code, Ofcom will take into account the likely audience expectations of a particular radio station at the time of broadcast". In this case, the words "*fuck*", "*fucked*" and "*niggers*" were all used during a morning music programme, where there was no indication that there would be offensive language and no reasons given as to why the unedited versions of these music tracks were played. It is therefore Ofcom's view that there was no contextual justification for the offensive language to be used, and this language was likely to have exceeded audience expectations of this morning programme on a community radio station.

We took into account that Secklow Sounds is a community radio station staffed by volunteers and we acknowledged the steps the Licensee said it was taking to address the issue. However, our view is that the broadcast of the offensive language was also in breach of Rule 2.3.

Breaches of Rules 1.14, 1.16 and 2.3

In Breach

HUD

AXN SPiN (Romania), 1 February 2019, 17:35

Introduction

AXN SPiN is a Romanian general entertainment television channel broadcast to several Central European countries. The programmes are predominantly broadcast in English with Romanian subtitles. The licence for the service is held by Columbia Pictures Corporation Limited (“Columbia Pictures” or “the Licensee”).

HUD is a Canadian television programme which covers computer games and e-sports¹ news. Ofcom received a complaint that this episode of *HUD* contained sexual references – both in the original broadcast and the embedded Romanian subtitles – which were not suitable for a pre-watershed audience.

Stream Snipers is a section within the programme *HUD*, which showcases a selection of clips from the world of e-sports and gaming, featuring well-known personalities from the e-sports community as they play various computer games. In this case, during the *Stream Snipers* segment one of the presenters introduced a clip of the e-sports personality ‘Bustin’ as follows:

Presenter: *“Our first clip is from ‘Bustin’, and we can only assume that this is the result of a traumatic banana-eating experience”.*

A clip was then broadcast featuring the e-sports personality Bustin live-streaming a game he was playing, and responding to questions from users. During this clip he was holding a half-eaten banana to which he referred:

Bustin: [Reading a comment from audience member ‘Ace’] *“Just eat it [i.e. the banana] normally, people will eventually get tired of doing that’. You know what Ace, I used to think that about chat. I used to think that. ‘People will eventually get tired of ghosting’². People will eventually get tired of memeing³ on me and telling me I suck dick at League of Legends⁴. They’ll eventually get tired with it. But they don’t, that’s the problem, they don’t. They never get tired of it. Ever. If I keep doing it every day, there will be a [word muted] album, of 300 different Photoshopped versions of me sucking 300 different [word muted] dicks. And I’m not gonna have someone google ‘Bustin’, ‘twitch.tv/Bustin’ and run into a god damn Photoshop-palooza of me in dicktopia sucking every [word muted] dick in sight. Not gonna happen”.*

¹ A form of competition using computer games.

² i.e. a form of cheating in online games.

³ i.e. mocking or ridiculing of an individual.

⁴ A computer game.

As this content contained Romanian subtitles, we sought an independent translation of them. The subtitles did not contain written instances of the muted offensive language, but did mention "*fellations*" twice. We provided Columbia Pictures with a copy of the translation, and the Licensee confirmed that it was accurate.

Ofcom considered the material raised issues under Rule 1.3 of the Code:

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

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

Response

The Licensee apologised for the error, accepting that the material should not have been broadcast in a pre-watershed time slot. Columbia Pictures confirmed that the error occurred as a result of a staff member "not being fully aware of the sensitivity of this topic", and said that there was a "difference in the understanding of the subject matter and how it was expressed in the subtitles". The Licensee also confirmed that there was a similar lack of understanding from the company that provided the subtitles, resulting in the subtitles containing sexual references. However, it acknowledged that "it is our responsibility to ensure that the output from the dubbing/subtitling studios complies" with the Code.

The Licensee confirmed that it has taken several measures in response to the error to prevent a recurrence, including:

- the provision of further training to the individual responsible;
- completing a full review of the training available to the compliance teams to ensure that similar content "will not be aired in the future in a pre-watershed time slot"; and
- undertaking a full review of all episodes of *HUD* to ensure its compliance in this area.

In addition, Columbia Pictures said it had provided guidance to the dubbing studio responsible for the subtitling to ensure that the Licensee's requests for "moderate" translations are strictly adhered to.

The Licensee said that it was "confident that the steps we have taken will be sufficient to ensure that this sort of content will not be aired inappropriately again".

Decision

Reflecting our duties under the [Communications Act 2003](#), Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Ofcom has taken account of the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

Rule 1.3 requires broadcasters to ensure that children are protected from the broadcast of material that is unsuitable for them by scheduling content appropriately. Appropriate

scheduling is judged by a number of factors including: the nature of the content; the time of broadcast; and likely audience expectations.

Ofcom first considered whether the material in this case was unsuitable for children. The e-sports personality Bustin said the word "*dick*" three times, and "*dicktopia*" once.

[Ofcom's 2016 research on offensive language](#) found that the word "*dick*" was considered to be strong language which was generally unacceptable pre-watershed. In this case, Bustin was clearly using the word in a sexual context, by repeatedly referring to oral sex (e.g. "...*telling me I suck dick*..."). In our view this content was clearly unsuitable for children.

Ofcom next considered whether the content was appropriately scheduled.

As mentioned above, *HUD* is a series which provides computer games and e-sports news. Although the programme is not aimed only at young viewers, in our view its subject matter would have been of interest to them. The programme was broadcast on a Friday, with the specific content in question appearing at 17:35, at a time when younger viewers were likely to have been watching. We also considered the audience's expectations around material broadcast at this time of day, and that parents and carers in particular were unlikely to have expected language and sexual references of this nature to be broadcast in the early evening, particularly during a programme that would appeal to younger viewers.

We took into account the Licensee's apology and the steps it said it had taken to improve compliance. However, for the reasons above, our Decision is that the material was unsuitable for children and was not appropriately scheduled, in breach of Rule 1.3.

Breach of Rule 1.3

Resolved

Good Morning Britain ITV, 22 March 2019, 08:15

Introduction

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

On 22 March 2019, *GMB* was presented by Ben Shephard and Kate Garraway. We received a complaint about offensive language during a discussion about couples sleeping in separate rooms. At 08:15 Susannah Constantine, one of the guests participating in this discussion, said *"...oh for fucks sake, excuse my language"*.

Ben Shephard interrupted Susannah and said *"apologies to anyone who heard Susannah express herself. It was the wrong time of the morning to be doing that, Susannah"*. At the same time, Susannah said: *"that wasn't really— it just popped out— that was a slip, yeah sorry"*. Two minutes later, at the end of the segment, Ben Shephard said *"apologies again if anyone caught Susannah's slip of the tongue, she's had too much sleep"*.

We considered that this material raised issues under Rule 1.14 of the Code:

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

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

Response

The Licensee apologised for any offence caused by the broadcast of this language. It went on to outline its compliance procedures for briefing guests on *GMB* prior to broadcast. It said that although the briefing will vary according to guest, "it will always include a reminder not to swear or use any offensive language that is inappropriate for the daytime audience." The Licensee explained that Susannah Constantine is "an experienced broadcaster and journalist" and that the issue being discussed was "relatively light-hearted". It said that the producers "therefore had no reason to believe that this language would be likely to be used by this guest."

It also explained that its usual process was put into practice following this incident to ensure that the compliance team was notified of the offensive language and that it had been removed from the programme's ITV+1 broadcast and from ITV's on-demand service.

Decision

Reflecting our duties under the Communications Act 2003 ([Section 319](#)), Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Rule 1.14 requires that the most offensive language must not be broadcast before the watershed on television. [Ofcom's 2016 research on offensive language](#) indicates that the word "fuck" is considered by audiences to be among the most offensive language. The inclusion of the word in this programme at 08:15 was therefore a clear example of the most offensive language being broadcast before the watershed.

We acknowledge that programmes which feature guests participating in live discussions carry a risk of offensive language being used on air. Broadcasters should have procedures in place to minimise this risk, as far as practicable. We acknowledge the brief that the Licensee said that it had given to the guest. In this case, the Licensee had taken steps to reduce the likelihood of offensive language being broadcast and followed its compliance process when this incident occurred. This included the presenter apologising immediately and steps being taken to remove the offensive language from its services.

In light of the above, Ofcom's Decision is that this matter is resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Broadcast licensees' late and non-payment of licence fees *Various licensees*

Introduction

Ofcom is partly funded by the broadcast licence fees it charges television and radio licensees. Ofcom has a statutory obligation to ensure that the fees paid by licensees meet the cost of Ofcom's regulation of broadcasting. The approach Ofcom takes to determining licensees' fees is set out in the [Statement of Charging Principles](#). Detail on the fees and charges payable by licensees is set out in [Ofcom's Tariff Tables](#).

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

- 1) "The Licensee shall pay to Ofcom such fees as Ofcom may determine in accordance with the tariff fixed by it and for the time being in force under Section 87 (3) of the 1990 Act as Ofcom shall from time to time publish in such manner as it considers appropriate.
- 2) Payment of the fees referred to...above shall be made in such manner and at such times as Ofcom shall specify..."

Failure by a licensee to pay its licence fee when required represents a significant and fundamental breach of a broadcast licence, as it means that Ofcom may be unable properly to carry out its regulatory duties.

In Breach – late payment

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

Licensee	Service Name	Licence Number
107.8FM Limited	Your FM	CR000034
2ZY Limited	Max (for small scale DAB trial)	DP101107
Acacia Centre Limited	Acacia Radio	LRSL000192
Afro Caribbean Millennium Centre	New Style Radio 98.7 FM	CR000037
Alias Music and Community Projects C.I.C.	1BN	CR101282
	1 Brighton FM (for small scale DAB trial)	DP101321
Ambur Community Radio Limited	Ambur Radio	CR000175
	Ambur Radio (for small scale DAB trial)	DP101116
An individual	University Radio Bath	LRSL000104
An individual	Jalsa Salana Translations	ADSRSL100009

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

An individual	Bridge FM	LRSLO00117
An individual	Radio Bronglais	LRSLO00108
An individual	NonStop90s Radio	DP102054
An individual	Radio Caroline (for small scale DAB trial)	DP101172
An individual	Trust AM	LRSLO00095
An individual	Kingstown Radio	LRSLO00075
Bradford Community Broadcasting Ltd	BCB 106.6 FM	CR000021
Bridgwater Young Men's Christian Association	Sedgemoor FM	CR000240
Brighton & Hove Radio Limited	Smile Sussex (for small scale DAB trial)	DP000075
Bristol Community FM Ltd	BCFM (for small scale DAB trial)	DP101146
British Muslim Heritage Centre	Heritage Radio	CR100142
Cambridge Radio Ltd	Star Radio (for small scale DAB Trial DAB)	DP101137
Cambridge Regional College	Core Radio Cambridge (for small scale DAB trial)	DP101307
Commedia Sheffield	Sheffield Live! 93.2 FM	CR000083
Community Broadcast Initiative Tyneside Ltd	NE1 FM 102.5	CR000050
Coventry and Warwickshire Media Community Limited (CWMC)	Radio Plus	CR000182
GGFC UK Limited	Ahomka	DP101173
	GN RADIO	RLCS000141
Go Radio Limited	GO Radio, Go Radio (for small scale DAB trial)	DP101223
Gorgeous Media Network Limited	Gorgeous FM	DP102052
Invictus Holdings Southwest Limited	SoulTrain Radio	DP102223
Lyca Media II Limited	Lyca Radio UK	DN102211
North West Media Limited	Unity Radio	CR000187
	Unity Radio (for small scale DAB trial)	DP101147
Order My Steps Limited	Ruach Radio	DP101478
Premier Christian Communications Ltd	Premier Gospel	DP000110
Premier Rugby Limited	Premier Rugby Radio	ADSRSL101633
Radio Ikhlas Limited	Radio Ikhlas	CR000011
Radio Khushkhabri Ltd	Radio Khushkhabri	RLCS000128
Radio Saltire SCIO	Radio Saltire (for small scale DAB trial)	DP101114
Reading College	Blast 1386	LRSLO00124
Seaside Radio Limited	Seaside FM 105.3	CR000052
Secklow Sounds CIC	Secklow Sounds	CR100777
Spice Project Limited	Spice FM	CR000142
The Royal Oldham Hospital	Radio Cavell	LRSLO00059
The University of Northampton Enterprises Limited	NLive Radio	CR100783
Tircoed Village Trust	Radio Tircoed	CR000111

Ujima Radio CIC	Ujima Radio	CR000116
	Ujima Radio (for small scale DAB trial)	DP101168
West Herts Hospitals NHS Trust	HHR Hemel Hospital Radio	LRSL000172
Wirral University Teaching Hospital NHS Foundation Trust	Radio Clatterbridge	LRSL000198
Yorkshire Coast Radio Ltd	Yorkshire Coast Radio (Scarborough)	DP100826

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

In Breach – non-payment

The following licensees failed to pay their annual licence fees. These licensees have therefore been found in breach of Conditions 3(1) and 3(2) of their licences.

Licensee	Service Name	Licence Number
An individual	Trickstar Radio (for small scale DAB trial)	DP101675
Awaaz Radio Limited	Awaaz Radio	CR000208
Awesome Enterprises Limited	Awesome Radio	DN101370
French Radio London Ltd	French Radio London	DP000143
	French Radio London	DA000031
Red Leisure Broadcasting Limited	Total Star Gloucestershire	DP101572
TheBeat Limited	MKFM, The Beat, The Beat Beds, Herts and Bucks, The Beat Norwich	DP000163
Town and Country Markets Limited	Cornucopia Radio	LRSL101783
Vinejuice Limited	Vinejuice Radio	DP102046

As Ofcom considers these to be a serious and continuing licence breaches, **Ofcom is putting these licensees on notice that this contravention of their licences will be considered for the imposition of a statutory sanction, which may include a financial penalty and/or licence revocation.**

In Breach

Provision of information and providing a service in accordance with 'Key Commitments'

Chorley FM, 28, 29 and 30 January 2019

Introduction

Chorley FM is a community radio station licensed to provide a service to Chorley. 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.¹ These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint that Chorley FM was not broadcasting the service described in its Key Commitments, in particular, that the station's programming did not include original output for a minimum of 56 hours per week. We therefore requested a programme schedule for the week 28 of January to 3 February 2019, indicating all content that falls under Ofcom's definition of original output and locally produced output, and recordings of three days of Chorley FM's output from 28, 29 and 30 January 2019. We also requested that the Licensee provide an explanation of how it had complied with its original output commitment during the week 28 January to 3 February 2019.

Chorley FM provided a programme schedule but did not confirm that it was for the week requested or indicate content that met Ofcom's definition of original output and locally produced output. The Licensee also failed to provide an explanation of how it had complied with its original output commitment in the week commencing Monday 28 January 2019. Furthermore, while the Licensee provided a 24-hour recording of the service's output on 28 January 2019 it only provided 12 hours of the service's output on 29 January 2019 and no recording of the service's output for 30 January 2019.

On 5 March 2019, Ofcom wrote to the Licensee again requesting the outstanding recordings. However, the Licensee, failed to provide the requested material.

Ofcom considered this raised potential issues under Condition 9(1) ("Provision of information") of Chorley FM's licence, which states that the Licensee:

"...shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, returns, estimates, reports, notices or other

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

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”.

Additionally, having listened to the recordings that the Licensee did provide, we discovered that the service's speech output did not appear to be reflective of its overall character of service. For example, the output did not contain any community information, events or local news, indicating that Chorley FM might not be delivering the following of its Key Commitments:

- “Description of character of service: ...it broadcasts a diverse and inclusive range of... speech based programming”.
- Speech. “The main types of speech output broadcast over the course of each week are: community information, local news...interviews, events diary”.

Ofcom considered that this raised potential issues 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 requested comments from the Licensee on how it was complying with these conditions of its licence.

Response

Chorley FM explained that since late October 2018, the station had experienced a series of events that affected its ability to comply with its licence conditions, including the resignation of four directors, a high level of short-notice and the sickness absence among volunteer presenters.

The Licensee explained that due to these unforeseen circumstances the launch of its new breakfast show was delayed from December 2018 to 11 February 2019.

Chorley FM reported that it had seen a recent increase in enquiries from potential volunteers and potential new advertisers as well as engagement from local community partners.

Decision

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

Ofcom therefore has a duty to ensure that community radio services provide the service for which they have been licensed.

In this case, Ofcom requested information from the Licensee to assist us in carrying out an assessment of the complaint and ascertain whether it had met its Key Commitments over the above-mentioned dates. However, the Licensee did not provide the recordings and programme scheduling information requested in full. Ofcom's Decision was therefore that there was a breach of Condition 9(1) of Chorley FM's licence.

Additionally, from the recordings and programme scheduling information that was provided by the Licensee, it appeared that Chorley FM had not delivered the speech content requirements of its Key Commitments or met the description of its character of service over the period in question. There was no evidence provided by the Licensee to suggest that these requirements had been met elsewhere in the week. Therefore, our Decision was that Chorley FM was in breach of Licence Conditions 2(1) and 2(4).

We are putting the Licensee on notice that Ofcom is likely to monitor this service again and, should further breaches of this type occur, we may consider further regulatory action including the imposition of a statutory sanction.

Breaches of Licence Conditions 9(1) and 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Chorley FM (licence number CR000025)

In Breach

Compliance procedures (retention of recordings) and Providing a service in accordance with 'Key Commitments' CSR, Canterbury Youth and Student Media Limited, 24 to 30 September 2018

Introduction

CSR is a community radio station licensed to provide an educationally-orientated radio service for the Canterbury area. The licence is held by Canterbury Youth and Student Media Limited ("Canterbury Youth and Student Media" or "the Licensee").

Like other community radio stations, Canterbury Youth and Student Media is required to deliver the **'Key Commitments' which form part of its licence**. These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received two complaints that the station was not broadcasting the service described in its Key Commitments, in particular that it was not delivering its programming requirements for the provision of speech content and original output¹.

We therefore requested a programme schedule and 24-hour recordings for three days of CSR's output from 24, 25 and 26 September 2018. Additionally, as the requirement in Canterbury Youth and Student Media's Key Commitments for the provision of speech output is a weekly one, we asked it to provide 24-hour recordings for any other days during the week 24 to 30 September on which this requirement might have been fulfilled.

The Licensee said that, while there had been no original output broadcast on 24, 25 and 26 of September, on 29 and 30 September it had fulfilled this requirement across the week. However, it also explained that the full 24-hours of its output for the specified days had not been recorded due to a server outage which had disrupted the broadcast log. It was therefore only able to provide recordings of part of its output from these days to Ofcom.

Ofcom considered the Licensee's failure to record its output over this period and provide the recordings to Ofcom on request raised potential issues under Licence Condition 15(2) 'Compliance' of the licence which states:

"The Licensee shall adopt procedures and ensure that such procedures are observed by those involved in providing the Licenced Service for the purposes of ensuring that programmes included in the Licensed Service comply in all respects with the provisions of this Licence, the 1990 Act, the 1996 Act and the Communications Act....

The Licensee shall, without prejudice to the generality of the foregoing, ensure that:

¹ Original output is output that is first produced for and transmitted by the service, and excludes output that was transmitted elsewhere before. Original output can be live, pre-recorded or 'voice-tracked'. Repeat broadcasts of original output do not count towards the minimum requirement.

- (a) there are sufficient persons involved in providing the Licensed Service who are adequately versed in the requirements of this Licence, the 1990 Act, the 1996 Act and the Communications Act and all relevant codes and guidelines as may be drawn up and from time to time revised by Ofcom and that such persons are able to ensure compliance with such requirements on a day-to-day basis;"

Additionally, having considered the programme schedule and listened to the recordings that the Licensee was able to provide, it appeared that Canterbury Youth and Student Media was not delivering the following of its Key Commitments:

- "The service provides original output for a minimum of seven hours per day during term time. A reduced service of five hours per day is broadcast outside of term times".

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

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

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

We requested comments from Canterbury Youth and Student Media on how it was complying with each of the above conditions.

Response

Conditions 2(1) and 2(4)

The Licensee admitted that across the week 24 to 30 September 2018 it had only met the required seven hours per day of original content on 29 and 30 September. However, Ofcom was unable to verify this as the Licensee failed to provide full recordings of its output for these days.

The Licensee said that the lack of original output was primarily due to the "voluntary nature of the station and its reliance on cyclical involvement from student volunteers". In addition, the Licensee explained that the station did not have a Station Manager and had to wait until the start of the academic year to promote the existing Deputy Station Manager to Station Manager. The Licensee explained that it was "now producing quality content once more, under the direction of our new Station Manager". It said that, in the future, it would adopt new measures such as making "more use of voice-tracking capabilities" and that it had "plans to bank pre-recorded audio". The Licensee also said that it planned to "streamline" the training process for new volunteers, to enable them to "go on air as soon as possible", thereby increasing the output of original content.

Condition 15(2)

The Licensee explained that "technical issues" had caused a "server outage" over the dates specified in September 2018 which had affected its ability to record and retain its output for the full period required. The Licensee said that it had since "expanded the logging system" to

include a "backup recorder". After the "expansion", the Licensee explained that there were now three copies of recordings being created and retained for "the necessary 42 day period". It added that these are stored across "three physical machines", replacing the previous system of recording one copy of its output which was stored on the Licensee's central server, which it said had created a "single point of failure".

Decision

Conditions 2(1) and 2(4)

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

During the period monitored, Canterbury Youth and Student Media failed to deliver its Key Commitment for the number of hours of original output. The service was required to broadcast seven hours of original output per day between 24 and 30 September 2018. However, from listening to the output the station had provided, Ofcom found that the station had not broadcast any original output on 24, 25 and 26 September. The programme schedule provided by the Licensee also appeared to suggest that the minimum original output requirement had not been met on 27 or 28 September. The Licensee said that it had met its original output requirement on 29 and 30 September 2018. However, Ofcom was unable to verify this as the Licensee failed to provide full recordings of its output for these days.

Ofcom took into account Canterbury Youth and Student Media's explanation that it was unable to meet the minimum requirement of original output because of a lack of trained student volunteers at the time. We also acknowledged the measures Canterbury Youth and Student Media said it had taken to improve its ability to provide the minimum requirement of original output in the future. However, the Licensee did not meet its Key Commitment to broadcast a minimum of seven hours of original programming a day from 24 to 28 September 2018. Ofcom's Decision is therefore that the Licensee was in breach of Licence Conditions 2(1) and 2(4).

Condition 15(2)

It is important that all licensees establish and maintain procedures which secure compliance with their licence conditions, including procedures to make and keep recordings of their output for a specific number of days after broadcast, and to comply with any request by Ofcom to produce those recordings.

We considered the circumstances surrounding Canterbury Youth and Student Media's inability to provide full 24-hour recordings for 29 and 30 September 2018, as well as the steps it said it had since taken to reinstate the recording equipment to prevent similar problems in the future. However, the Licensee failed to have procedures in place to make and retain recordings of all of its output for the 42-day period required by its licence and provide the material to Ofcom on request. The failure by the Licensee to make and provide recordings of the material prevented us from assessing it.

Ofcom's Decision is therefore that the Licensee is in breach of Licence Condition 15(2).

Ofcom is putting the Licensee on notice that we will monitor this service again to check its compliance with the above Conditions in future.

Breaches of Licence Conditions Licence Conditions 2(1) and 2(4) and 15(2) of the community radio licence held by Canterbury Youth and Student Media Limited (Licence number CR000066)

In Breach

Providing a service in accordance with 'Key Commitments' Bradford Asian Radio Limited Company, 7, 8 and 9 January 2019

Introduction

Bradford Asian Radio is a community radio station licensed to provide a "speech-led radio station for the Asian population of Bradford". The licence is held by Bradford Asian Radio Limited Company ("Bradford Asian Radio" or "the Licensee").

As with all community radio stations, Bradford Asian Radio is required to deliver the '[Key Commitments' which form part of its licence](#). The station's Key Commitments set out how the station will serve its target community and includes a description of the service.

Ofcom received a complaint that Bradford Asian Radio was not broadcasting the service described in its Key Commitments. In particular, the complainant was concerned that the station was not meeting its character of service and was not delivering its programming requirements for the provision of speech content and original output¹. We therefore requested a programme schedule for the week 7 to 13 of January 2019 and recordings of three days of Bradford Asian Radio's output from 7, 8 and 9 January.

Having listened to the recordings, and having assessed the programme schedule for the week 7 to 13 January 2019, it appeared that Bradford Asian Radio was not delivering the following of its Key Commitments:

- Character of service: "Bradford Asian Radio is a speech-led radio station for the Asian Population of Bradford, working to create a sense of social cohesion and to strengthen interfaith and multicultural relations...".
- "The main types of speech broadcast over the course of the week are: local, national and international news..."
- "The service provides original output for a minimum of 13 hours per day".

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

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

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

We requested comments from Bradford Asian Radio on how it was complying with these conditions, with reference to the specific Key Commitments set out above.

¹ Original output is output that is first produced for and transmitted by the service, and excludes output that was transmitted elsewhere before. Original output can be live, pre-recorded or 'voice-tracked'. Repeat broadcasts of original output do not count towards the minimum requirement.

Response

Bradford Asian Radio said that it was “firmly committed to the facilitation of communication between communities” and said that it used the service “as a platform to promote understanding through speech and dialogue”. It said that it considered the “speech-led” element of Bradford Asian Radio’s character of service description meant “keeping alive the many community languages of the South Asian community through the medium of poetry, political and religious dialogue and increasing the understanding of various cultures through our programmes to strengthen community and civic participation”.

In relation to the requirement to provide local, national and international news, the Licensee said that the weekday morning programmes and drivetime programmes regularly featured local information, updates on events and local news but that “on occasions this was not done consistently”. It said that the drivetime shows also contain live traffic and weather updates and that, the evening programmes featured international news with a particular focus on Asian communities as well as international sports and political news. The Licensee acknowledged that this content needed further development and that it had put measures in place to “address some of these shortcomings”.

Bradford Asian Radio said that its news bulletins were sourced from a news provider which it said “had a number of UK based reporters in almost all major cities of England” who covered “UK news which is relevant and of interest to the South Asian community living in Bradford, of which the Pakistani and Muslim community make up a significantly large percentage”. However, the Licensee acknowledged that the provision of international news on the service was “Pakistani community centric”.

The Licensee said that it had a “comprehensive annual plan and activities both on-air and off-air” to engage and celebrate the various major religious events of South Asian communities. It said that it was “actively engaged with the Sikh, Christian and Hindu communities to cover the Diwali, Vaisakhi, Easter & Christmas events and functions” and that its “engagement and on air activities are not truly reflective, if viewed through the prism of relatively short broadcast window”. Bradford Asian Radio said that its music output showed its commitment to reflect the diversity of the South Asian community. It said, “we feature music which is heavily Indian influenced and dominated by Punjabi Sikh culture and Hindu traditions within the Music. It could be argued that we don’t play enough Pakistani or Bengali music on the station; however our music policy is heavily influenced by our audience so we are doing our level best to meet community needs”.

The Licensee said that it was currently broadcasting “on average” 13 hours of original content per day. It added that live original output on the weekend schedule is “more dominant” partly due to “listener demographics” as well as volunteer presenter availability. The Licensee explained that its regular daily broadcast runs from 09:00 to 23:00 and that it “believes this more than adequately meets our commitments in terms of original output”. It said that it had been “working hard to engage, recruit and train volunteer presenters and producers” and that, given “constraints and external pressures”, it believed it was doing “remarkably well to push out 13+ hours on average per day of good quality content which is meeting the needs of the local community”. The Licensee explained that on 7 January the presenter of the breakfast programme was not available to host the show, and that some of its volunteers’ personal circumstances means they may not be available at short notice. It said that it did have a plan in place for these types of situations but that if a presenter was unavailable at short notice it is not possible to find a replacement presenter.

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments.

During the period monitored, we found that the Licensee had met its minimum original output requirement on 8 and 9 January 2019. However, it was clear that Bradford Asian Radio failed to meet its minimum requirement for original output on 7 January 2019. The service was required to broadcast a minimum of 13 hours of original output, however, we found that it had only broadcast nine. The Licensee explained that it broadcasts "on average" 13 hours a day of original content. However, the original output requirement in Bradford Asian Radio's Key Commitments is a minimum requirement which must be met each day.

The Licensee also said that, due to the personal circumstances, some of its volunteers might be unavailable at short notice and that, at times, the notice period given by these volunteers is too short to find a replacement presenter. However, this appears to be a regular issue of which the Licensee is clearly aware. Therefore, it is Ofcom's view that it should have appropriate contingency plans in place to ensure that the minimum requirement for original output is met even in situations where volunteers are unavailable at short notice, for example by broadcasting pre-recorded original (but not repeated) output at such times.

We also found that there was no local or national news broadcast at any point over the three days monitored. While we did find that the service broadcast international news on a regular basis, every news segment broadcast over 7, 8 and 9 January 2019 consisted of news from Pakistan. While we acknowledged that this news content might have been of interest to the Pakistani population of Bradford, it did not serve the requirement in the Licensee's Key Commitments to provide local and national news. Nor did it meet the requirements of the Licensee's character of service to serve the whole of the Asian population of Bradford.

Ofcom also found that all of the religious content broadcast by the service over the days monitored appeared to be aimed at the Islamic community. The Islamic call to prayer was broadcast at various times during the day, and Islamic religious music was played at night and in the early hours of the morning. No religious content from any other religion was featured. Bradford Asian Radio's character of service requires that it serves the whole of the Asian population of Bradford. We acknowledged the Licensee's argument that we monitored the station over a short period and that it said it engages with the Sikh, Christian and Hindu communities over the course of the year. However, all of the religious content we found on each of the days we monitored appeared to cater solely to the Islamic community and the Licensee did not provide any evidence to suggest that content from any other religion was featured on a similarly regular basis outside of religious festivals and events. While we acknowledge that the religious content that was broadcast over this period was likely to appeal to the Islamic community within the Asian population of Bradford, we considered that the absence of any form of content from any other religion meant that the Licensee had failed to meet Bradford Asian Radio's character of service.

Ofcom's Decision is therefore that Bradford Asian Radio is in breach of Licence Conditions 2(1) and 2(4). Additionally, we are putting the Licensee on notice that Ofcom will monitor this service again to check its compliance with these Conditions.

Breaches of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Bradford Asian Radio Limited Company (Licence number CR100145)

In Breach

Compliance procedures (retention of recordings)

Bradford Asian Radio Limited Company, 17 to 19 December 2018

Introduction

Bradford Asian Radio is a community radio station licensed to provide a “speech-led” service for “the Asian population of Bradford”, broadcasting to Bradford city centre and surrounding areas. The licence is held by Bradford Asian Radio Limited Company (“Bradford Asian Radio” or “the Licensee”).

Like other community radio stations, Bradford Asian Radio is required to deliver ‘Key Commitments’, which form part of its licence. These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint about the station’s compliance with the requirements of its Key Commitments on 19 October 2018. Ofcom therefore requested recordings of the content broadcast on 17, 18 and 19 October in order to determine whether the service was broadcasting in accordance with these requirements.

On receipt of the recordings, Ofcom found that the files contained no audio. Ofcom therefore wrote to the Licensee informing it of the problem and requesting that it resubmit the recordings, in order for us to assess the complaint.

The Licensee explained that upon further investigation it had discovered that, due to an issue that occurred during an upgrade of its equipment, the software had ceased recording the station’s output. Instead, it was generating files with no audio.

Ofcom considered that the Licensee’s inability to provide the recordings raised potential issues under Condition 15(2) ‘Compliance’ of the licence, which states:

“The Licensee shall adopt procedures and ensure that such procedures are observed by those involved in providing the Licenced Service for the purposes of ensuring that programmes included in the Licensed Service comply in all respects with the provisions of this Licence, the 1990 Act, the 1996 Act and the Communications Act...”

The Licensee shall, without prejudice to the generality of the foregoing, ensure that:

- (a) there are sufficient persons involved in providing the Licensed Service who are adequately versed in the requirements of this Licence, the 1990 Act, the 1996 Act and the Communications Act and all relevant codes and guidelines as may be drawn up and from time to time revised by Ofcom and that such persons are able to ensure compliance with such requirements on a day-to-day basis;”

We requested comments from the Licensee on how it was complying with this licence condition.

Response

Bradford Asian Radio set out to Ofcom that the issues which resulted in the soundless audio files was a “technical anomaly which was unforeseen”, and that it has since had “expert external guidance to put fail-safe measures in place to ensure that this type of issue does not arise in the future”. The Licensee explained that it has also put in place further training for the volunteers at the station to ensure future compliance.

Decision

It is important that all licensees establish and maintain procedures which secure compliance with their licence conditions, including procedures to make and keep recordings of their output for a specific number of days after broadcast, and to comply with any request by Ofcom to produce those recordings.

Bradford Asian Radio's inability to provide Ofcom with the material requested is significant because it impeded Ofcom's ability to assess whether a particular broadcast raised potential issues under the relevant codes. This affected Ofcom's ability to carry out its statutory duties in regulating broadcast content.

Ofcom's Decision is that the failure by the Licensee to have procedures in place to record its output for the period required by its licence meant that the Licensee was in breach of Licence Condition 15(2).

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

Breach of Licence Condition 15(2) of the community radio licence held by Bradford Asian Radio Limited Company (Licence number CR000145)

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 6 and 19 May 2019 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

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

Programme	Service	Transmission date	Categories
Beverly Hills Ninja	Channel 5	23/03/2019	Scheduling

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

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 6 and 19 May 2019 because they did not raise issues warranting investigation.

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

Programme	Service	Transmission Date	Categories	Number of complaints
Rock "N" Roll Football	Absolute Radio	20/04/2019	Religious/Beliefs discrimination/offence	1
UEFA Champions League: Liverpool v FC Barcelona	BT Sport 2	07/05/2019	Offensive language	5
The Capital Weekender with JJ	Capital FM (Liverpool)	10/05/2019	Offensive language	1
Golden Balls	Challenge	01/05/2019	Gender discrimination/offence	1
Bake Off: The Professionals	Channel 4	30/04/2019	Offensive language	1
Britain's Great School Swap	Channel 4	30/04/2019	Materially misleading	1
Channel 4 News	Channel 4	03/05/2019	Gender discrimination/offence	1
Channel 4 News	Channel 4	09/05/2019	Religious/Beliefs discrimination/offence	1
Channel 4 News	Channel 4	13/05/2019	Elections/Referendums	1
Channel ident	Channel 4	07/05/2019	Dangerous behaviour	1
Come Dine with Me	Channel 4	06/05/2019	Disability discrimination/offence	1
Gogglebox	Channel 4	12/04/2019	Generally accepted standards	2
Gogglebox	Channel 4	03/05/2019	Gender discrimination/offence	1
Hollyoaks	Channel 4	11/04/2019	Scheduling	1
Hollyoaks	Channel 4	10/05/2019	Religious/Beliefs discrimination/offence	1
Married at First Sight	Channel 4	Various	Generally accepted standards	1
Sex Tape	Channel 4	03/05/2019	Generally accepted standards	1
Sex Tape	Channel 4	10/05/2019	Generally accepted standards	1
The Massacre that Shook the Empire	Channel 4	13/04/2019	Due accuracy	1

Programme	Service	Transmission Date	Categories	Number of complaints
Ben Fogle: New Lives in the Wild	Channel 5	07/05/2019	Materially misleading	1
Channel 5 News	Channel 5	09/05/2019	Gender discrimination/offence	1
GPs Behind Closed Doors	Channel 5	01/05/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	17/04/2019	Race discrimination/offence	1
Jeremy Vine	Channel 5	18/04/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	01/05/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	08/05/2019	Elections/Referendums	1
My Extreme Drugs Diary	Channel 5	02/05/2019	Drugs, smoking, solvents or alcohol	2
My Extreme Drugs Diary	Channel 5	09/05/2019	Drugs, smoking, solvents or alcohol	1
The Gypsies Next Door	Channel 5	24/04/2019	Generally accepted standards	1
The Gypsies Next Door	Channel 5	24/04/2019	Race discrimination/offence	1
Thomas & Friends	Channel 5	13/04/2019	Generally accepted standards	1
Connect the World with Becky Anderson	CNN	04/04/2019	Due accuracy	1
Bear Grylls: Born Survivor	DMAX	12/05/2019	Animal welfare	1
8 Out of 10 Cats Does Countdown	E4	12/05/2019	Generally accepted standards	1
Hollyoaks	E4	07/05/2019	Generally accepted standards	1
Naked Attraction	E4	15/05/2019	Generally accepted standards	1
Speechless	E4	07/05/2019	Generally accepted standards	1
The Big Bang Theory	E4	02/05/2019	Generally accepted standards	1
The Dam Busters	Film 4	08/05/2019	Race discrimination/offence	2
Programming trailer	GEO News	21/03/2019	Violence	1
Gavin and Stacey	Gold	04/05/2019	Offensive language	1
Gavin and Stacey	Gold	05/05/2019	Offensive language	1
News	Heart Radio (Kent)	25/04/2019	Commercial communications on radio	1
Blind Date	ITV	05/05/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Bradley Walsh's Late Night Guest List	ITV	11/05/2019	Dangerous behaviour	1
Britain's Got Talent	ITV	06/04/2019	Scheduling	46
Britain's Got Talent	ITV	13/04/2019	Dangerous behaviour	56
Britain's Got Talent	ITV	13/04/2019	Race discrimination/offence	1
Britain's Got Talent	ITV	04/05/2019	Gender discrimination/offence	1
Britain's Got Talent	ITV	11/05/2019	Dangerous behaviour	4
Britain's Got Talent	ITV	11/05/2019	Generally accepted standards	1
Britain's Got Talent	ITV	11/05/2019	Race discrimination/offence	1
Britain's Got Talent	ITV	11/05/2019	Scheduling	2
Britain's Got Talent	ITV	11/05/2019	Sexual material	1
Checkatrade.com's sponsorship of The Jonathan Ross Show	ITV	13/04/2019	Sponsorship credits	1
Checkatrade.com's sponsorship of The Jonathan Ross Show	ITV	20/04/2019	Sponsorship credits	1
Coronation Street	ITV	01/04/2019	Generally accepted standards	1
Coronation Street	ITV	29/04/2019	Generally accepted standards	1
Coronation Street	ITV	29/04/2019	Race discrimination/offence	1
Coronation Street	ITV	01/05/2019	Generally accepted standards	1
Coronation Street	ITV	06/05/2019	Race discrimination/offence	2
Emmerdale	ITV	25/04/2019	Drugs, smoking, solvents or alcohol	1
Emmerdale	ITV	25/04/2019	Materially misleading	1
Emmerdale	ITV	30/04/2019	Generally accepted standards	2
Emmerdale	ITV	07/05/2019	Violence	7
Emmerdale	ITV	08/05/2019	Generally accepted standards	2
Emmerdale	ITV	08/05/2019	Violence	74
Emmerdale	ITV	09/05/2019	Generally accepted standards	1
Emmerdale	ITV	13/05/2019	Materially misleading	1
Good Morning Britain	ITV	27/04/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Good Morning Britain	ITV	30/04/2019	Due impartiality/bias	7
Good Morning Britain	ITV	30/04/2019	Gender discrimination/offence	1
Good Morning Britain	ITV	30/04/2019	Generally accepted standards	1
Good Morning Britain	ITV	30/04/2019	Materially misleading	1
Good Morning Britain	ITV	01/05/2019	Due impartiality/bias	1
Good Morning Britain	ITV	01/05/2019	Generally accepted standards	47
Good Morning Britain	ITV	08/05/2019	Elections/Referendums	1
Good Morning Britain	ITV	13/05/2019	Elections/Referendums	1
Good Morning Britain	ITV	13/05/2019	Generally accepted standards	1
HSBC Advertisement	ITV	07/05/2019	Political advertising	1
In for a Penny	ITV	11/05/2019	Race discrimination/offence	1
In for a Penny	ITV	11/05/2019	Scheduling	1
ITV News	ITV	28/01/2019	Generally accepted standards	1
ITV News	ITV	07/05/2019	Due accuracy	1
ITV News	ITV	15/05/2019	Elections/Referendums	2
ITV News	ITV	15/05/2019	Race discrimination/offence	7
ITV News	ITV	16/05/2019	Elections/Referendums	1
Loose Women	ITV	16/04/2019	Race discrimination/offence	1
Loose Women	ITV	09/05/2019	Generally accepted standards	1
Lorraine	ITV	08/05/2019	Materially misleading	1
Martin Clunes: My Travels and Other Animals	ITV	09/05/2019	Animal welfare	2
Peston	ITV	08/05/2019	Elections/Referendums	1
Planet Child	ITV	01/05/2019	Under 18s in programmes	1
Ross Kemp Behind Bars: Inside Barlinnie	ITV	29/04/2019	Materially misleading	1
Save Money: Lose Weight	ITV	30/04/2019	Materially misleading	3
The All New Monty: Who Bares Wins	ITV	06/05/2019	Generally accepted standards	2
The Chase	ITV	24/04/2019	Generally accepted standards	1
The Chase	ITV	01/05/2019	Gender discrimination/offence	2

Programme	Service	Transmission Date	Categories	Number of complaints
The Chase	ITV	07/05/2019	Materially misleading	1
The Chase	ITV	09/05/2019	Materially misleading	1
The Jonathan Ross Show	ITV	04/05/2019	Race discrimination/offence	1
The Junk Food Experiment	ITV	27/02/2019	Materially misleading	1
This Morning	ITV	12/04/2019	Nudity	1
This Morning	ITV	03/05/2019	Generally accepted standards	1
ITV News Central	ITV Central	07/05/2019	Due accuracy	1
American Dad!	ITV2	09/05/2019	Race discrimination/offence	1
Celebrity Juice	ITV2	25/04/2019	Nudity	1
Celebrity Juice	ITV2	27/04/2019	Gender discrimination/offence	1
Celebrity Juice	ITV2	09/05/2019	Nudity	1
Celebrity Juice	ITV2	16/05/2019	Generally accepted standards	1
Emmerdale	ITV2	09/05/2019	Violence	1
Spy Kids 2	ITV2	05/05/2019	Offensive language	1
Sun Bingo's sponsorship of The Jeremy Kyle Show	ITV2	12/04/2019	Sponsorship credits	1
The Jeremy Kyle Show	ITV2	12/04/2019	Advertising minutage	1
Cycling: Tour de Yorkshire	ITV4	02/05/2019	Due impartiality/bias	1
Sam and Billie Faiers: The Mummy Diaries	ITVBe	17/04/2019	Generally accepted standards	1
The Only Way is Essex	ITVBe	05/10/2019	Generally accepted standards	1
The Real Housewives of Cheshire	ITVBe	29/04/2019	Animal welfare	1
Dödligt Vapen	Kanal 5 (Sweden)	07/04/2019	Gender discrimination/offence	1
Programming	Kent Messenger TV	02/05/2019	Elections/Referendums	1
Andrew Castle	LBC 97.3 FM	21/04/2019	Generally accepted standards	1
Andrew Castle	LBC 97.3 FM	11/05/2019	Generally accepted standards	1
Eddie Mair	LBC 97.3 FM	03/05/2019	Sexual material	1
Eddie Mair	LBC 97.3 FM	06/05/2019	Elections/Referendums	1
Iain Dale	LBC 97.3 FM	15/04/2019	Religious/Beliefs discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Ian Payne	LBC 97.3 FM	04/05/2019	Generally accepted standards	1
Jacob Rees-Mogg	LBC 97.3 FM	26/04/2019	Materially misleading	1
James O'Brien	LBC 97.3 FM	21/02/2019	Religious/Beliefs discrimination/offence	1
James O'Brien	LBC 97.3 FM	01/05/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	02/05/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	08/05/2019	Elections/Referendums	1
James O'Brien	LBC 97.3 FM	14/05/2019	Elections/Referendums	3
James O'Brien	LBC 97.3 FM	14/05/2019	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	15/04/2019	Race discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	01/05/2019	Race discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	13/05/2019	Elections/Referendums	1
Nigel Farage	LBC 97.3 FM	10/04/2019	Materially misleading	1
Nigel Farage	LBC 97.3 FM	09/05/2019	Elections/Referendums	1
Nigel Farage	LBC 97.3 FM	14/05/2019	Elections/Referendums	1
Shelagh Fogarty	LBC 97.3 FM	15/03/2019	Materially misleading	1
Shelagh Fogarty	LBC 97.3 FM	18/04/2019	Due impartiality/bias	1
Shelagh Fogarty	LBC 97.3 FM	16/05/2019	Elections/Referendums	1
The Sunday Best with John Green	Moorlands Radio 107.9 FM	24/03/2019	Generally accepted standards	1
Just Tattoo Of Us	MTV	13/04/2019	Gender discrimination/offence	1
Teen Mom 2	MTV	01/05/2019	Dangerous behaviour	1
Grimm	Paramount Network	10/04/2019	Violence	1
Racing from Chelmsford	Racing TV	18/04/2019	Animal welfare	1
Inside the Vets	Really	12/05/2019	Animal welfare	1
Music Bhangra Masti	Sabras Radio	05/05/2019	Generally accepted standards	2
Billions	Sky Atlantic VIP	30/04/2019	Transgender discrimination/offence	1
All Out Politics	Sky News	24/04/2019	Race discrimination/offence	1
Press Preview	Sky News	11/05/2019	Elections/Referendums	1
Sky News	Sky News	15/04/2019	Due impartiality/bias	1
Sky News	Sky News	24/04/2019	Due accuracy	1
Sky News	Sky News	10/05/2019	Generally accepted standards	1
Sophy Ridge on Sunday	Sky News	05/05/2019	Elections/Referendums	2

Programme	Service	Transmission Date	Categories	Number of complaints
Sunrise	Sky News	01/05/2019	Gender discrimination/offence	1
Sunrise	Sky News	08/05/2019	Sexual material	1
Live EFL: Preston v Leeds United	Sky Sports Action	09/04/2019	Generally accepted standards	1
Premier League Football	Sky Sports Main Event	26/04/2019	Generally accepted standards	1
Sky Sports News	Sky Sports News	09/05/2019	Gender discrimination/offence	1
Friday Night Football	Sky Sports Premier League	05/04/2019	Generally accepted standards	1
Hawaii Five-0	Sky1	10/04/2019	Violence	1
STV News at Six	STV	23/04/2019	Generally accepted standards	1
STV News at Six	STV	03/05/2019	Generally accepted standards	1
Drive	Talksport	04/04/2019	Materially misleading	108
Blazing Saddles	TCM	30/04/2019	Race discrimination/offence	1
****, That's Delicious	Viceland	24/04/2019	Offensive language	1
Private Lives: Peter the Great	Yesterday	28/04/2019	Violence	1

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

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	07/02/2019	Due accuracy	1
Sports Personality of the Year	BBC 1	16/12/2018	Voting	1
Newsnight	BBC 2	03/05/2019	Elections/Referendums	1
Programming	BBC channels	Various	Due impartiality/bias	1
BBC News	BBC News Channel	24/01/2019	Due impartiality/bias	1
BBC News	BBC News Channel	03/05/2019	Elections/Referendums	1
Today	BBC Radio 4	26/01/2019	Due accuracy	1
Vanessa Feltz	BBC Radio London	20/09/2018	Other	1

[How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS](#)

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

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue between 6 and 19 May 2019 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
West Hull Community Radio Limited	West Hull Community Radio	Provision of licensed service	1

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

Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC	09/05/2019	Outside of remit	1
FA Cup Draw	BBC 1	18/02/2019	Outside of remit	1
Panorama	BBC 1	01/02/2019	Outside of remit	1
Panorama	BBC 1	12/04/2019	Outside of remit	1
Programme trailers	BBC iPlayer	12/03/2019	Outside of remit	1
UEFA Champions League: Liverpool v FC Barcelona	BT Sport 2	07/05/2019	Outside of remit	1
Advertisement	Channel 4	13/05/2019	Advertising content	1
Banged Up: Teens Behind Bars	Channel 4	06/05/2019	Outside of remit	1
Britain's Gypsy Claimers	Channel 5	22/05/2019	Outside of remit	1
Advertisement	Classic FM	05/05/2019	Advertising content	1
Advertisement	Dave	06/05/2019	Advertising content	1
Eizem FM	Eizem FM 101.8MHZ	06/05/2019	Suicide and self harm	1
Advertisement	Gold	05/05/2019	Advertising content	1
Advertisement	ITV	18/04/2019	Advertising content	1
Advertisement	ITV	20/04/2019	Advertising content	1
Advertisement	ITV	04/05/2019	Advertising content	1
Emmerdale	ITV	08/05/2019	Outside of remit	1
Programming	ITV	Various	Outside of remit	1
The Jeremy Kyle Show	ITV	10/05/2019	Outside of remit	1
The Jeremy Kyle Show	ITV	n/a	Outside of remit	1
The Jeremy Kyle Show	ITV	Various	Outside of remit	1
Advertisement	Kiss	17/04/2019	Advertising content	1
Sky News	Sky News	01/10/2014	Outside of remit	1
Danny Baker	Twitter	08/05/2019	Outside of remit	1
Programming	Various	13/05/2019	Advertising content	1
Climate Change: The Facts	YouTube	22/04/2019	Due impartiality/bias	1
Punar Vivah	Zee TV	01/06/2019	Outside of remit	1

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

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Programming	BBC	Various	Due impartiality/bias	1
Programming	BBC	Various	Elections/Referendums	1
BBC Breakfast	BBC 1	13/05/2019	Elections/Referendums	1
BBC News	BBC 1	05/05/2019	Other	1
BBC News	BBC 1	09/05/2019	Race discrimination/offence	1
BBC News North West	BBC 1	07/05/2019	Race discrimination/offence	1
Climate Change: The Facts	BBC 1	20/04/2019	Materially misleading	1
EastEnders	BBC 1	14/05/2019	Generally accepted standards	1
Have I Got News for You	BBC 1	10/05/2019	Elections/Referendums	4
Panorama	BBC 1	01/02/2019	Generally accepted standards	1
Panorama	BBC 1	01/02/2019	Race discrimination/offence	1
Programming	BBC 1	09/05/2019	Elections/Referendums	1
Question Time	BBC 1	02/05/2019	Due impartiality/bias	1
Question Time	BBC 1	09/05/2019	Elections/Referendums	5
Question Time	BBC 1	09/05/2019	Race discrimination/offence	1
Question Time	BBC 1	16/05/2019	Elections/Referendums	1
The Andrew Marr Show	BBC 1	28/04/2019	Elections/Referendums	1
The Andrew Marr Show	BBC 1	04/05/2019	Elections/Referendums	1
The Andrew Marr Show	BBC 1	12/05/2019	Elections/Referendums	39
Man Like Mobeen: Wrestling with the NHS	BBC 2	16/02/2019	Generally accepted standards	1
Newsnight	BBC 2	03/05/2019	Elections/Referendums	3
Newsnight	BBC 2	04/05/2019	Elections/Referendums	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Politics Live	BBC 2	12/02/2019	Due accuracy	1
Storyville, Brexit: Behind Closed Doors	BBC 4	08/05/2019	Elections/Referendums	1
The Bobby Friction Show	BBC Asian Network	29/04/2019	Generally accepted standards	2
BBC News	BBC channels	02/05/2019	Elections/Referendums	1
BBC News	BBC channels	Various	Due impartiality/bias	1
Programming	BBC channels	02/05/2019	Elections/Referendums	1
Programming	BBC channels	09/05/2019	Elections/Referendums	1
Programming	BBC channels	10/05/2019	Elections/Referendums	1
Programming	BBC channels	Various	Elections/Referendums	5
Question Time	BBC iPlayer	02/05/2019	Elections/Referendums	1
The Andrew Marr Show	BBC iPlayer	15/05/2019	Due impartiality/bias	1
BBC News	BBC News Channel	23/04/2019	Elections/Referendums	1
BBC News	BBC News Channel	10/05/2019	Offensive language	1
The Papers	BBC News Channel	12/05/2019	Gender discrimination/offence	1
Scott Mills	BBC Radio 1	08/05/2019	Generally accepted standards	1
PM	BBC Radio 4	04/02/2019	Other	1
The News Quiz	BBC Radio 4	03/05/2019	Gender discrimination/offence	1
The Reunion	BBC Radio 4	12/04/2019	Materially misleading	1
World at One	BBC Radio 4	26/12/2018	Due accuracy	1
Newsjack Unplugged	BBC Radio 4 Extra via website	09/05/2019	Elections/Referendums	1
Programming	BBC Radio 5 Live	12/05/2019	Generally accepted standards	1
Taro'r Post	BBC Radio Cymru	28/03/2019	Due impartiality/bias	1
Taro'r Post	BBC Radio Cymru	16/04/2019	Due impartiality/bias	1
Evening Extra	BBC Radio Ulster	09/05/2019	Due impartiality/bias	1

Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 6 and 19 May 2019.

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

Programme	Service	Transmission date
Premiership Rugby: Exeter Chiefs v Harlequins	BT Sports 2	27/04/2019
PSL 2019	HUM MASALA	09/03/2019
Steve Allen	LBC 97.3 FM	23/04/2019
Weinstein: Hollywood's Reckoning	Sky News	27/04/2019
Afternoon Chat Election Special with Susan Leigh	Trafford Sound	23/04/2019

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

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

Programme	Service	Transmission date
The Abused	Channel 5	20/02/2019

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

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

Licensee	Licensed Service
Awaaz FM Community Radio CIC	Awaaz FM Southampton
New Delhi Television Limited	NDTV

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