



Hometime with David Gaston

Type of case	Broadcast Standards
Outcome	In Breach
Service	Radio Winchcombe
Date & time	7 May 2024, 16:35
Category	Offensive language
Summary	The most offensive language was broadcast at a time when children were particularly likely to be listening. In breach of Rule 1.14 of the Broadcasting Code.

Introduction

Radio Winchcombe is a local community radio station broadcasting to Winchcombe and surrounding areas. The licence for Radio Winchcombe is held by Radio Winchcombe Limited (“Radio Winchcombe” or “the Licensee”).

Ofcom received a complaint about the broadcast of offensive language in the song “Espresso” by Sabrina Carpenter, which was broadcast at around 16:35. The song included one instance of the word “fucks”.

We considered this raised potential issues under the following rule of the Ofcom Broadcasting Code (“the Code”):

Rule 1.14: “The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio)...”.

Ofcom therefore requested comments from the Licensee on how the programme complied with this rule.

Response

Radio Winchcombe apologised to Ofcom for the broadcast of the offensive language, and said that it was “just as shocked as [Ofcom] in learning a track with explicit content” was broadcast and that there had been no apology or realisation that a mistake had been made.

The Licensee explained that the presenter was a relatively new volunteer and said that he had been “unwilling to accept any input we tried to give him about his show”. It added that it had previously considered whether to allow the presenter to continue at the station, but had concluded that it did not have “significant enough concerns” and that it aimed to be “as inclusive as possible” in relation to its presenters. Radio Winchcombe said that it had requested the presenter to “update his music output as it was very outdated”, and that it had made clear to the presenter that, if using his own music, “every track should be checked to make sure it was suitable for broadcast”. The Licensee said that the presenter “clearly did not do this” and “would not accept culpability for what happened when questioned”, and that “his involvement with the station has therefore been terminated”.

Radio Winchcombe said that it updated its code of conduct in February and had reinforced to its volunteers that “they must comply with Ofcom guidelines”. It added that the “station music library has been checked for explicit content”, and that presenters have been instructed to check their playlists in advance when using their own music.

The Licensee said that, prior to being accepted as a presenter, all new volunteers must now “undergo extended training”, demonstrate “full working knowledge of the broadcast system”, and agree to the station’s updated terms and conditions. Radio Winchcombe also explained that it will be “instigating a probationary period” where it will be able to “refuse giving long term broadcasting rights without having to give a reason”.

Representations on Ofcom’s Preliminary View

Ofcom prepared a Preliminary View finding the programme in breach of Rule 1.14 and provided it to Radio Winchcombe for its comments. In response, the Licensee had no comments on the matter.

Ofcom recognises that there may be a person or organisation who may be directly affected by the outcome of an investigation by Ofcom. Our procedures encourage broadcasters to seek to take account of and include such representations. In this case, Ofcom considered it was appropriate to ask the Licensee to invite the presenter to make representations on the Preliminary View if he wished to.

The presenter provided his representations via email, which was sent to Ofcom directly. The presenter said that he “regret[s] ever playing that song” and that he has never “played a rude word and never would”. He explained that, following feedback from a listener that his show did not feature enough modern music, he began playing the top three songs in the Singles Charts, which he downloaded from the internet as he thought it “would be ideal for the younger listeners to hear”. The presenter said that he did not know the song and did not hear the offensive language as the song was broadcast. He added that, had he known that there was offensive language in the song, he would not have played it, and that he had apologised to the Licensee when he was made aware of the broadcast of offensive language.

The presenter said that he had not been “shown how to use the main broadcasting computer or the 2 console[s] very much at all” and that he had therefore found these difficult to operate. The presenter added that the station directors had not offered “any input or training on how to present

my radio shows” and that, if he “had been given better training” on how to use the equipment, he “could have played a radio version of the song”. The presenter said that Radio Winchcombe had suspended his programme “until Ofcom have decided whether [he had] breached the Ofcom Broadcasting Code”, but that he had explained to the Licensee that he thought it would be “the right thing to stop presenting [his] radio show on Radio Winchcombe”.

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 takes account of the audience’s and the broadcaster’s rights to freedom of expression as set out in Article 10 of the European Convention on Human Rights when considering a broadcaster’s compliance with the Code.

Rule 1.14 prohibits the broadcast of the most offensive language on radio when children are particularly likely to be listening.

When considering this case, Ofcom took into account our 2021 research into Public attitudes towards offensive language on TV and radio. This research found that the word “fuck” was considered by audiences to be among the most offensive language and required clear and strong contextual justification. It also found that audiences consider that, in order to protect children, this word should not be aired on radio at times when children are particularly likely to be listening.

According to Ofcom’s Guidance on offensive language on radio, radio 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; and between 06:00 and 19:00 at weekends all year around, and in addition, during the same times from Monday to Fridays during school holidays.

In this case, the broadcast of the word “fucks” at 16:35 on a Tuesday afternoon was a clear example of the most offensive language being broadcast at a time when children were particularly likely to be listening.

Ofcom took into consideration the explanations provided by the Licensee and the presenter of the circumstances that led to the broadcast of the offensive language, and the new measures that the Licensee said it had put in place. However, Ofcom reminds Radio Winchcombe that it is the Licensee’s responsibility to ensure all content broadcast on its service complies with the Code.

Ofcom’s Decision is that the broadcast was in breach of Rule 1.14.

Breach of 1.14