

Ofcom Broadcast and On Demand Bulletin

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Introduction

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

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules 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 the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in television 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 for on television and radio services. These include:
 - the prohibition on ‘political’ advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
 - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising³.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral 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 Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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.

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 and On Demand Bulletin may therefore cause offence.

Broadcast Standards cases

In Breach/Resolved

Stage Fright

*Sky Movies Premiere*¹ and *Virgin Media EPG*, 26 March 2016, 13:00

Introduction

Stage Fright was classified as a 15-rated film by the British Board of Film Classification (“BBFC”) in 2014 due to “strong bloody violence, strong language, sex references”².

Sky Movies Premiere is a premium subscription film service, which is broadcast on the Sky digital satellite platform and the Virgin Media cable platform. Sky Movies Premiere is a premium subscription film service subject to “mandatory restricted access”³. The licence for Sky Movies Premiere is held by Sky UK Limited (“Sky”).

When viewers access Sky Movies Premiere on the Virgin Media platform they do so via the Virgin Media electronic programming guide (“Virgin Media EPG”). The Virgin Media EPG broadcasts text information and photographs relating to programming as an aid to viewers and as such, it is an Ofcom-licensed broadcast service. The licence for the Virgin Media EPG is held by Virgin Media Limited (“Virgin Media”).

Ofcom was alerted to the film *Stage Fright* being included in the Sky Movies Premiere service shown on the Virgin Media platform, whilst being described as PG-rated on the Virgin Media EPG. The complainants considered that the film was not suitable to be shown un-encrypted pre-watershed, under which circumstances it was possible for children to view this content.

As discussed further below, Sky and Virgin Media (“the Licensees”) confirmed that the film *Stage Fright* had been available on Sky Movies Premiere on the Virgin Media platform between 25 March 2016 and 28 March 2016 with the following description on the Virgin Media EPG:

“Stage Fright PG

Blood begins to spill after the daughter of a Broadway diva wins the lead in the summer showcase at a performing arts camp”.

The Licensees confirmed that during this period it was possible for a “proportion”⁴ of its viewers to view *Stage Fright* without mandatory restricted access on the Virgin Media platform.

¹ The name of the service Sky Movies Premiere was changed to Sky Cinema Premiere in July 2016.

² <http://www.bbfc.co.uk/releases/stage-fright-video>

³ The code defines “mandatory restricted access” as “a PIN [personal identification number] protected system (or other equivalent protection) which cannot be removed by the user, that restricts access solely to those authorised to view”.

⁴ Virgin media said that: “The film was pin protected on the Virgin Media platform for customers viewing the movie through our ‘Liberate’ set-top-box. The film was not pin protected for customers viewing the film through our ‘TiVo’ set top box”.

Ofcom considered the listing and showing of this content as a PG-rated film through the Virgin Media EPG raised issues warranting investigation under Rule 1.2 of the Code in relation to the Virgin Media EPG licensed service:

“In the provision of services, broadcasters must take all reasonable steps to protect people under eighteen...”.

We therefore asked Virgin Media to provide comments on how the content complied with the above rule.

We also considered that the showing of this film as part of the Sky Movies Premiere service on the Virgin Media platform raised issues warranting investigation under Rule 1.24 of the Code:

“Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided that mandatory restricted access⁵ is in place pre-2000 and post-0530. In addition, those security systems which are in place to protect children must be clearly explained to all subscribers”.

Ofcom therefore also asked Sky to provide comments on how the content complied with this rule.

Responses

Virgin Media

Virgin Media said that although the Virgin Media EPG is “not a broadcast channel, we apologise to any viewers who inadvertently viewed the movie based on the incorrect EPG PG rating”. It added that this was caused by “human error due to...exceptional circumstance[s]”. Virgin Media said that while it “had processes and systems in place which identified the error...it was just highly unfortunate that [an] editor mistook the 2014 film with the 1950’s film of the same title which was rated PG...To our knowledge this issue has never arisen previously”. Virgin Media also commented that, although its “third party supplier did have safeguards in place to prevent unverified [films] being played out, this required manual action. Unfortunately, on this occasion despite several prompts requesting verification of the [film] this was not actioned which resulted” in the film being broadcast.

Virgin Media provided the following chronology of events;

- Sky provided the film *Stage Fright* to Virgin Media “without a rating In January 2016”. Virgin Media said that it is not “uncommon for a movie to be provided without a rating until nearer broadcast...which was 2 months away” in this case. It added that the correct film certification “was subsequently provided at a later date”;
- an editor “mapped” the film *Stage Fright* onto the Virgin Media systems without any rating on 23 January 2016;

⁵ Ibid.

- the film “became unverified” on systems of Gracenote, Virgin Media’s EPG content provider, due to “automated safeguards put in place when a Sky film has no rating”;
- the editor “added an incorrect rating of PG to the BBFC rating, mistaking this film with the 1950’s film of the same title”. This led to the film being “verified incorrectly on the 26th of January”;
- on 19 March 2016 the film “unverified itself due to the automated safeguards in place” which are created if the film “rating did not match the rating available on [the] schedule”. This event “alerted the editor that an update was required...This update was not acted upon”;
- on 22 March 2016 the film “unverified itself again due to the automated safeguards in place and alerted the editor that an update was required. This update was not acted upon”;
- on 25 March 2016, the film “went to air” on the Virgin Media platform;
- a viewer complained to Virgin Media on 26 March 2016 about the film being incorrectly rated on the Virgin Media EPG; and
- on 27 March 2016 “Gracenote (Virgin Media’s EPG provider) was alerted to the incorrect rating” and the rating information was “promptly updated” to “reflect the correct rating of 15”.

Virgin Media outlined the “remedial actions” it had taken to “stop this type of error happening again” and “reiterate the importance of accurate ratings” to its teams. It had held a meeting and “training update” with its UK editorial team to “stress the importance of updating movie records when they become unverified across the Sky Movies group of channels”. In addition, Virgin Media said it had changed its software system to ensure that if a film “has a UK rating that does not match what is on [the] schedule (including a missing rating)” then the film will “become unverified, showing the editor that an update is required”. However, if a film “becomes unverified it will no longer be able to be ignored by the editor, thus removing the human interaction required for this safeguard”. Also in future an “unverified” film would be blocked⁶ from broadcast.

In conclusion, Virgin Media said: “We fully accept that ratings information is important for parents/carers to make informed decisions about what content is suitable for minors to view and we strive to adhere to the BBFC ratings and Ofcom Broadcasting Code”.

Sky

In summary, Sky said that “this incident was beyond our control. We regret that it occurred but believe it to be an isolated occurrence and both Sky and Virgin Media are working together to ensure that it doesn’t happen again”.

⁶ Specifically, Virgin Media said that: “As part of this software change an ‘unverified’ film would result in a permanently unverified asset. In this state it will be blocked from the EPG data feed until the film record has been updated. Unverified assets are individually highlighted on an editor’s work-list and are a part of their workflow to ensure prompt resolution of any issues”.

Sky said that: “Regretfully...there was a short-period from 25th – 28th March⁷ when the programme was broadcast without the viewer being required to enter a PIN before viewing”. However it added that “all information and metadata relating to the Programme was correct when it left Sky”. In summary, Sky said the following:

- the channel schedule for Sky Movies Premiere was published on 18 January 2016, but at “this point the certificate information would not be available [because] this is a preliminary publishing date so [Virgin Media] can begin their relevant plans and it is common and expected that this draft schedule is missing information”;
- the certificate information “for Stage Fright (2014), i.e. the 15 certificate and relevant warning flags, was put into the Sky system...on 3 March 2016”.
- on 9 March 2016 the correct certification information for Stage Fright was included in the final schedule for Sky Movies premiere “when it was sent” to Virgin Media.

In summary, Sky said that Virgin Media and Gracenote, Virgin’s EPG content provider, were aware of the “deadline” for the Sky Movies Premiere schedule and therefore “should have used this to update their information.” Therefore, according to Sky “on 9 March we would have expected all EPG providers to fill any blanks with the final schedules, including in this case the certificate for Stage Fright”.

Sky said that the correct EPG information for *Stage Fright* was as follows:

“Stage Fright 15

The masked killer torments a musical theatre group in this gruesome slasher. Strong bloody violence – strong language – flashing images (2014) (90 mins)”.

Sky commented that this information for *Stage Fright* was “correct on all of the Sky systems and therefore any metadata that was exported with the content should have automatically ensured that this was a ‘15’ if it used our Information”. Sky also said that it had “no reason...to expect the human-error at Gracenote, or that this would not be caught by their systems” given that “[t]his process has long been established, and has worked previously without issue” Sky added that “we rely on third-parties correctly gathering the information that they need as us manually checking a third-party platform would be an onerous task and one that shouldn’t be required of us given the history of no issues and our service agreements with the other parties”.

Following Ofcom alerting Sky to this matter, Sky said it had contacted Virgin Media for an explanation. Sky provided Ofcom with the same chronology of events as that supplied by Virgin Media above. It added that: “The reason behind the issue was a human-error made when inputting data at Gracenote”. It added that the error “was rectified by Virgin Media as the result of them receiving a viewer complaint regarding the matter”.

⁷ Sky said that, based on information it had received from Virgin Media, the relevant EPG listing information for Stage Fright in the Sky Movies premiere service on the Virgin Media platform would have been updated on customers’ set top boxes between 23:00 on 27 March 2016 and 06:00 on 28 March 2016.

As this matter had “occurred outside of processes controlled by Sky”, Sky said that it had been “liaising with Virgin Media to ensure that they, and us, can be confident that this incident won’t happen again”. In particular, Sky said that Virgin Media had requested that Gracenote develop a “warning system...[to] flag any future incidents like this”. It added that so that it and Virgin Media “can have confidence that this won’t be repeated [Sky had] asked Virgin Media to conduct a full review of their processes around this incident”. Sky added that: “Once this review has been completed Sky and Virgin Media will meet to fully discuss what occurred and ensure both parties are satisfied that any gaps in the process have been closed”.

Finally, Sky said that it was developing “a new single bespoke data feed of [its] programme scheduling data for all 3rd party platforms directly out of the core scheduling database...rather than the current process that sources data from our industry publicity website”. It added that “The new process will negate the need to duplicate data into a secondary data source removing risk of inputting error and information being missing as it will use the same data source that supplies EPG listings to the Sky platform”. Sky said it hoped “this will provide third-party users with a simpler and more effective way of obtaining the most recent data and the new system will also allow the potential for late changes and updates to schedules to be automatically picked up by third- party platforms”.

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, which include ensuring that persons under the age of eighteen are protected from material that is unsuitable for them. This objective is reflected in Section One of the Code.

Rule 1.2

Rule 1.2 of the Code states that:

“In the provision of services, broadcasters must take all reasonable steps to protect people under eighteen...”.

We acknowledged that the Virgin EPG does not contain programming, but rather consists of text information and photographs related to programming listed in the EPG. However, as a licensed broadcast service, this service still has to comply with the Code. In particular, in providing the broadcast of its EPG service information, Virgin Media has to take all reasonable steps to protect people under eighteen.

In this case, the film *Stage Fright*, rated a 15-rated film in September 2015, was listed as follows on the Virgin Media EPG for a period of approximately three days:

“Stage Fright PG

Blood begins to spill after the daughter of a Broadway diva wins the lead in the summer showcase at a performing arts camp”.

In relation to Virgin Media, the Code only applied to the incorrect listing of the film on the Virgin Media EPG, and not to the underlying mandatory access PIN system (which requires a PIN to be inputted when a viewer wishes to watch a 15-rated film via the Virgin Media platform). However, we considered that the incorrect description

of this 15-rated film as a PG-rated film meant that a “proportion”⁸ of viewers, and some children in the audience, would have been able to access unencrypted a film that was not suitable for children under 15 to view.

In reaching our Decision, we took into account Virgin Media’s apology and the steps it had taken to improve compliance in this area. However, we were concerned that despite automatic safeguards being in place which alerted compliance staff to verify whether the film had the correct classification, these safeguards were twice ignored, and a 15-rated film was made available with an incorrect classification for approximately three days, and was described as a PG-rated film on the Virgin Media EPG.

Given the above, we considered that Virgin Media did not take all reasonable steps to protect people under eighteen (and particularly those under 15) in the audience. Rule 1.2 was therefore breached.

Rule 1.24

Rule 1.24 of the Code states:

“Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided that mandatory restricted access⁹ is in place pre-2000 and post-0530. In addition, those security systems which are in place to protect children must be clearly explained to all subscribers”.

In this case a 15-rated film on Sky Movies Premiere was broadcast on the Virgin Media platform between 25 March 2016 and 28 March 2016, incorrectly labelled as PG. This meant that it was possible for any Virgin Media subscribers, including any children in the potential audience, to view this service without the need of inputting a mandatory PIN (a form of mandatory restricted access) to view this film.

We took into account that Sky had supplied the correct metadata for the film to Virgin Media and we also noted Sky’s view that the incorrect labelling of *Stage Fright* in Sky’s words “occurred outside of processes controlled by Sky”. However, as the licensee for Sky Movies Premiere, Sky had editorial responsibility for that service at the time of this incident. Nevertheless, we noted that as a result of this incident, Sky had been “liaising with Virgin Media to ensure that [the Licensees] can be confident that this incident won’t happen again”. We also took into account the steps Sky itself was taking to introduce a “single bespoke data feed” of its programme scheduling data that would “negate the need to duplicate data into a secondary data source removing risk of inputting error and information being missing”.

Therefore, given the steps taken by Sky, we considered that the matter under Rule 1.24 had been resolved.

Virgin Media: Breach of Rule 1.2
Sky: Resolved

⁸ See footnote 3.

⁹ See footnote 1.

Resolved

The Day the Hands will Speak

Unity FM, 26 March 2016, 21:00

Introduction

Unity FM is a community radio station broadcasting to the Muslim community in the Sparkbrook area of Birmingham and the immediately surrounding area. The licence for Unity FM (Birmingham) is held by Birmingham Cedars Limited (“BCL” or “the Licensee”).

A complainant alerted Ofcom to the broadcast of a religious talk containing offensive remarks about women.

The pre-recorded programme was a religious talk given by Shaykh Hasan Ali, an imam and Islamic scholar in English with some words of Arabic. The scholar discussed the nature of heaven and hell from an Islamic perspective. Approximately six minutes into the programme, he made the following statement:

“Rasulullah¹ stated that most of the people that I saw when I stood at the door of Jahannum², most of the people that I saw going into Jahannum, he said Nisa³, women. Now why did he say women? It’s not, it’s not, that that they, now don’t get the wrong end of the stick and think that this is a religion that cares for men, and doesn’t care for women. That’s not the case. Men will also go to Jahannum, but if you look at gender and the population of men to the population of women on the day of judgement there is going to be far many more women going into Jahannum, and the reason why? It’s because they become the reason, the reason for many others to go into Jahannum. When they start showing parts of their bodies, when they start showing things that is luring others. That is something that will lead them to Hellfire. Rasulullah stated that this is...a Sahih⁴ Hadith⁵...Forget going into Jannah⁶, they won’t even smell the fragrance of Jannah. Even smell its fragrance. Its fragrance can be detected from 500 miles away. That’s how fragrant Jannah is. Imagine for Jannah, for these women they will not even be that close to Jannah. Who are they? He said one of them, they will be those who will be striking people, like the end of a cow’s tail. There are many different explanations to this part of the Hadith, who these people are, whether they are going to be people governing others, striking, whipping and lashing others in the streets and so on. He said “Kaasiyatun Aariyat⁷”, women

¹ Rasulullah: (Arabic) referring to the Prophet Muhammad.

² Jahannum: (Arabic) Hell.

³ Nisa: (Arabic) Women.

⁴ Sahih: Sayings of the Prophet Muhammad are categorised as Sahih (reliable) and Dhaif (weak/unreliable).

⁵ Hadith: Saying of the Prophet Muhammad.

⁶ Jannah: Paradise.

⁷ Quranic phrase describing a person half clothed/partially clothed.

who are clothed and naked at the same time, [pause] women who are clothed and naked at the same time. Have you seen these women brothers? ["Yes" responded a male member of the audience] Yes, have you seen these women, yes or no my brothers? Astaghfirullah⁸ [laughter from audience]. Lower your gaze brothers. Yeah, to be honest with you, there's hardly a wedding today that you don't have these "Kaasiyatun Aariyaat". I am shocked, certain women they are the best at keeping their modesty and covering their heads, covering their "Awra⁹", but when it comes to weddings, yeah, a bit of this part of the body, a bit of that part of the body. Lowering the hijab slightly, you know, showing a bit of their hair whatever, doesn't matter. In fact showing part of the neck, showing part of the bosom and yet nothing matters. The same women do that, and I am absolutely shocked, or that they don't do it, but they allow their daughters to do it. They're clothed but they're naked at the same time. Two ways, either they are clothed partly and they're naked at other parts. They are clothed but you can see through their clothes, and Rasullullah said they won't even smell the fragrance of Jannah. Can you imagine what will happen on the day of judgement? Rasullullah has told us that on that day people will wish for death, and ask for death to come to them and end their life, but they're not going to find that, and end their misery".

Ofcom considered the material raised issues warranting investigation under Rule 2.3 of the Code. This states that:

"In applying generally accepted standards licensees must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to...humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of...gender...").

We therefore asked the Licensee how the material complied with this rule.

Response

BCL apologised "unequivocally to the complainant, any listeners and to Ofcom" for any offence the broadcast may have "inadvertently" caused. The Licensee said that it is a community radio station and "some of the primary purposes of its creation were to foster goodwill between people of all faiths and backgrounds, to promote community cohesion and to better the understanding of an often misunderstood faith". It said it wished to remedy any offence the broadcast may have caused.

The Licensee commented that the complaint was based on the listener's interpretation of the talk and "not an accurate reflection of what was actually said". BCL said it fully accepted and understood "that on face value, the comment about there being more women in hellfire may be interpreted as discriminatory towards women" and that it was not appropriate. However, it said the comment was "alluding to a religious saying and was not correctly quoted, contextualised or explained". The Licensee considered that the speaker's statements gave "an incorrect portrayal of our faith teachings in respect of women, their equal status, dignity, virtue and extremely high regarded position within Islam – matters which are confirmed in very many hours of broadcast all year round". BCL said it accepted that it "may have crossed the line" in relation to the reference to "the numbers of each gender in hellfire" but requested Ofcom to keep in mind the broadcaster's rights to freedom of religion and to freedom of expression.

⁸ Arabic meaning "May Allah have mercy".

⁹ Awra: Quranic term referring to a person's private parts.

In relation to the speaker's reference to how some women dress, and in particular when he remarked "*they're clothed but they're naked at the same time*", the Licensee said that those comments were "an exploration of the dress code requirements pertaining to Muslim women and more of an ideological theological discussion rather than designed to be insulting or judgemental". It said that the speaker was "trying to illustrate that the dress code required is one that ensures a full covering of the required parts of the body and not half covering of some parts and not others" and that he "makes the point that this is not acceptable from a religious perspective". Unity FM said that it was within the speaker's freedom to express his religious beliefs to put forward this view.

BCL said the programme was broadcast after the watershed and that it was "clearly a religious programme reflecting on theological positions" rather than comments which were "outright offensive or discriminatory against women". It said that the scholar did state that "the religion cares for women" and that the vast majority of listeners were likely to be of Muslim faith and would have "contextualised the comments and interpreted them in a fuller context knowing that their faith teaches the utmost respect" for women. It said that the talk referred to many other things "encouraging people to virtue and good deeds and attempts to make the listener self-reflect and be critical of their own conduct and views in an ambition to better human behaviour". It also said that Unity FM's broadcasting in general teaches a very different message to the speaker's and which would have contextualised "any misunderstanding that might have been given".

The Licensee informed Ofcom that its Station Manager had recently been seriously ill and that as a result in this case a junior member of staff had checked the talk before it was broadcast without realising that some of it may be offensive. BCL said that in response to this incident it had re-issued its policies and guidance to all its presenters, staff and volunteers and carried out numerous additional training sessions. It said it is using this case as a learning tool and that it has increased its efforts "to be conscious of inadvertently causing offence and have thought very hard about how best to discuss religious matters in a manner that seeks to remain well within the words and spirit of the Ofcom Code".

Decision

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

In reaching its Decision in this case, Ofcom has taken careful account of the licensee's and audience's right to freedom of expression set out in Article 10 of the European Convention on Human Rights ("ECHR"). Ofcom also had regard to Article 9 the ECHR, which states that everyone "has the right to freedom of thought, conscience and religion".

Rule 2.3 states that:

"In applying generally accepted standards licensees must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to...humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of...gender...)".

Context is assessed by reference to a range of factors including: the editorial content of the programme, the service on which the material was broadcast, the time of broadcast, what other programmes are scheduled before and after, the degree of harm or offence likely to be caused, likely audience expectations, warnings given to listeners, and the effect on listeners who may come across the material unaware.

Ofcom first considered whether the material in this programme had the potential to cause offence. The scholar said: “[I]f you look at gender and the population of men to the population of women on the day of the judgement there is going to be far many more women going into Jahannum, and the reason why? It’s because they, they [the women] become the reason, the reason for many others to go into Jahannum. When they start showing parts of their bodies, when they start showing things that are luring others. That is something that will lead them to Hellfire”. In summary, we considered that the overall message being given by the speaker was significantly dismissive of, and discriminatory towards, women. He suggested that according to the Prophet Muhammad “most of the people going” to Hell were women, because women in general were the cause of reprehensible behaviour by men through “showing parts of their bodies” to them and “luring” them. Ofcom also noted the tone used by the speaker when referring to women and describing the way some of them dress, suggesting that by “[l]owering the hijab slightly, you know, showing a bit of their hair whatever, doesn’t matter. In fact showing part of the neck, showing part of the bosom”, they were “clothed” but “naked at the same time” and as result “they [women who dress in this way] won’t even smell the fragrance of Jannah [paradise]”.

In Ofcom’s view, the potential offence in this case was likely to have been aggravated by the fact that the scholar was addressing what appeared to be an exclusively or largely male audience attending the talk: the scholar addressed the audience a couple of times referring to “my brothers”, and what appeared to be male voices could be heard in reply when he asked: “Have you seen these women brothers? [“Yes” responded a male member of the audience] Yes, have you seen these women, yes or no my brothers? [Laughter from the audience]”. It appeared that the scholar – clearly a figure of some authority and standing in the Muslim community – was seeking the attendees’ approval of, and support for, his views on women. This factor in Ofcom’s opinion would have increased the potential offence because it indicated that the speaker was encouraging the men in the audience for his talk and those listening to adopt similarly offensive views towards women.

For all these reasons, and as acknowledged by the Licensee, the speaker’s comments clearly had the potential to be offensive.

Ofcom went on to consider if the broadcast of these potentially offensive statements was justified by the context.

The programme was a religious talk aimed at a Muslim audience. Ofcom recognised that the Licensee clearly had the right to broadcast programmes that discuss Islam, Islamic scripture and how Muslims should behave and dress, and that its audience expects such discussion. It would be an unacceptable restriction of the freedom of religion and expression of a broadcaster and its audience to curtail the transmission of certain opinions on these matters just because they might cause offence to others who do not share the same views.

The scholar appeared to rely on a Hadith (a saying of the Prophet Muhammed, as opposed to the Qu’ran itself) to support his views. He said: “Rasulullah stated that

most of the people that I saw when I stood at the door of Jahannum¹⁰, most of the people that I saw going into Jahannum, he said Nisa, women...[w]hen they [women] start showing things that is luring others. That is something that will lead them to Hellfire. Rasulallah stated that this is...a Sahih Hadith...¹¹. Hadiths are categorised by Islamic scholars as Sahih, meaning reliable, or Dhaif, meaning weak or unreliable. Hasan Ali was therefore suggesting that he based his comments about women going to Hell on a reliable Hadith. We are conscious that different religious traditions take a range of views on what are deemed appropriate forms of personal behaviour or dress among their followers, and may base instructions or advice on interpretation of their scripture. In this case, however, the scholar did not cite any particular Hadith or other Islamic teaching which states that women are more likely to end in Hellfire than men through “luring” men by “showing parts of their bodies”. Further, although the Licensee said the speaker’s comments were “alluding to a religious saying” it did not refer Ofcom to any specific Hadith as a basis for the remarks and in any event said that his remarks were “not correctly quoted, contextualised or explained”. Ofcom’s understanding is in fact no Hadith exists to support the speaker’s particular comments. Therefore for these reasons the speaker’s remarks could not be justified as being an interpretation of accepted Islamic scripture.

In terms of providing context, we noted that the speaker, in presenting his own theological views on these issues, did not include any reference to alternative interpretations of Islamic scripture by scholars. Nor did the programme include any other speakers who challenged the scholar’s views.

We noted the argument put forward by the Licensee that the vast majority of its listeners are Muslims and as a result they would have been able to “contextualise the comments and interpret them in a fuller context knowing that their faith teaches the utmost respect to women” and that Unity FM’s programming overall teaches a “very different message and fully contextualises any misunderstanding that might have been given”. We acknowledged that the majority of the listeners to this station would be Muslim, and we took into account the likely expectations of the audience. However, these factors, as well as any other programming on this subject matter that may have been broadcast by the Licensee in the past, did not provide sufficient context to justify the substantial amount of offence that was likely to have been caused by broadcasting these comments in this religious talk. We considered that the likely expectations of listeners to this station and especially those who may have come across this material unawares would have been exceeded by this content.

We acknowledged that the scholar did slightly mitigate the potential offence by prefacing his comments with a statement pointing out that Islam is a religion that cares for both women and men. However, any potential mitigating effect of that statement was undercut by his subsequent statements that when women start showing parts of their body “luring others”, it will lead them to “Hellfire”.

In reaching our Preliminary View we noted the Licensee’s view that the speaker’s reference to how Muslim women should dress was “more of an ideological theological discussion...trying to illustrate that the dress code required is one that ensures a full covering of the required parts of the body and not half covering of some parts”, and it was within the speaker’s freedom to express his religious beliefs to put forward this view. Ofcom acknowledged the rights to freedom of religion and of expression of the broadcaster, the speaker and the audience in this case. Ofcom

¹⁰ Jahannum: (Arabic) Hell.

¹¹ See footnotes above to explain unfamiliar terms in this quotation.

carefully balanced these rights against the obligation on the broadcaster to apply generally accepted standards to ensure that material which may cause offence is justified by the context. The broadcaster was free to broadcast the scholar's views on how Muslim women should dress but in doing so needed to comply with Rule 2.3. For all the reasons set out above however it failed to do so in this case and Rule 2.3 was breached.

Ofcom however noted that the Licensee: apologised unequivocally for any offence the broadcast may have caused; acknowledged that the comments made by the scholar were inappropriate and an incorrect portrayal of Muslim faith teachings; and, said it had taken steps to improve its compliance, including re-issuing its policies and guidance to all its presenters, staff and volunteers and carrying out numerous additional training sessions.

Having taken these factors into account, our Decision was that this matter was resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Production of recordings

ARY News, 5 and 8 January 2016

Introduction

ARY News provides news and general entertainment programmes in Urdu and English to the Pakistani community in the UK. The licence is held by ARY Network Limited (“ARY” or “the Licensee”).

Ofcom received a complaint that unfair comments were made about an individual in four programmes broadcast on the channel, ARY News. To assess the complaint, we requested ARY to provide us with recordings of the programmes. One recording was received by the deadline given.

We wrote to ARY requesting the outstanding recordings of the programmes and a recording for an additional programme. The Licensee contacted Ofcom to explain that the recordings had been sent by recorded delivery. A second recording was received by the deadline given.

Ofcom gave the Licensee a number of further reminders about the outstanding recordings and made clear to it that it is a condition of its licence to provide recordings to Ofcom. One further recording was received, although it was not adequately labelled, so Ofcom was unable to identify the programme to which the recording related. The Licensee subsequently clarified the details of this recording. However, two recordings were still outstanding and not provided to Ofcom.

The Licensee explained that it had “gathered all the recording [sic] of the programme [sic] and headlines”, but that “due to the system crash, we have lost all the data”. ARY added that it was now unable to provide the recordings of the programmes as the 60 day retention period had passed.

We considered that the matter raised issues warranting investigation under Licence Condition 20(1)(a) which requires the Licensee to:

- “a) provide Ofcom with a recording in sound and vision of the programme, or any specified part of it, to which the complaint relates if and so far as such a recording is in his possession;...”

We therefore asked the Licensee how the material complied with this licence condition.

Response

In response to Ofcom’s Preliminary View, ARY News said that it appreciated the importance of supplying recordings to Ofcom to enable Ofcom to fulfil its duties. ARY News said that it had cooperated with Ofcom in this case but accepted that a technical fault caused by a “system crash” at a third party recording facility had prevented it from providing the requested recordings for 5 and 8 January 2016. The Licensee said that this was a “one-off error and was in no way deliberate”.

ARY News added that it had provided some recordings to Ofcom related to this complaint which demonstrated that it had a system in place for retaining recordings. Further, ARY News said that it had implemented “spot checks” on the third party responsible for retaining recordings to avoid this problem happening in the future. ARY News said that it had failed to provide Ofcom with the recording when first expected due to staff resourcing issues.

Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster’s licence there are conditions requiring the licensee to retain recordings of each programme broadcast. Condition 20(1) of the Licence places an obligation on licensees to comply with requests from Ofcom for information in relation to any fairness complaint. In particular, Condition 20(1)(a) requires the Licensee to comply with a request by Ofcom for a recording in sound and vision of a programme, or any specified part of it, to which a fairness complaint relates.

Breaches of Licence Condition 20(1) are significant because they impede Ofcom’s ability to assess whether the output of a particular broadcast raises potential issues under the Code. This can therefore affect Ofcom’s ability to carry out its statutory duties in regulating broadcast content and compliance with licence conditions.

For Ofcom to fulfil its duty to assess and investigate fairness complaints effectively, broadcasters must provide recordings of programmes in a timely way in accordance with Ofcom’s specified deadlines. It is unacceptable for a broadcaster to delay unreasonably the supply of recordings and information to Ofcom, or to fail to supply the recording.

In this case, the Licensee told Ofcom that it had staff resourcing issues which had impacted on its ability to provide the recordings to Ofcom when first expected. The Licensee also told Ofcom that it subsequently gathered all the recordings relevant to the fairness complaint, but was unable to provide some of the recordings to Ofcom because of a system failure. While Ofcom accepts that broadcasters may occasionally experience difficulties with staff resourcing and their systems, we expect them to have contingency plans in place to ensure that they can respond to any requests made by Ofcom.

We noted that the Licensee has provided assurances to Ofcom that it has new procedures in place to avoid this issue happening in the future. However, on this occasion, the failure by the Licensee to provide a recording of the programmes broadcast on 5 and 8 January 2016, has prevented us from being able to fully consider the complaint. Our Decision is therefore that the Licensee breached Licence Condition 20(1)(a) of its licence.

We are putting ARY on notice that should similar compliance issues arise in the future, we will consider taking further regulatory action.

Breach of Licence Condition 20(1)(a)

In Breach

Broadcasting licensees' non-payment of licence fees

Ofcom is partly funded by the broadcast licence fees it charges television and radio licensees. Ofcom has a statutory duty 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 Principles¹. Detail on the fees and charges payable by licensees is set out in Ofcom's Tariff Tables².

The payment of a licence fee is a requirement of a broadcasting licence³. 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

The following radio licensees failed to pay their annual licence fees by the required payment date. These licensees have therefore breached their broadcast licences.

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

Licensee	Licence Number	Service Name
Awaaz Radio Limited	CR000208BA	Awaaz Radio
Individual	LRSL000157BA	L&D Hospital Radio
Lyca Media II Limited	DP100393BA	Lyca Radio

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.

In the specific circumstances of this case, the late or non-payment of the fee was considered by Ofcom to amount to a serious licence breach. Ofcom is therefore putting this licensee on notice that the breach is being considered for the imposition of a statutory sanction, which may include a financial penalty.

Licensee	Licence Number	Service Name
Pulse Media Broadcasting Limited	CR000239BA	Pulse

Breaches of Licence Conditions 3(1) and (2) in Part 2 of the Schedule of the relevant licences.

¹http://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

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

In Breach/Resolved

Provision of information: relevant turnover submission

Various TV 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 Principles¹. The fees all television licensees and national and local analogue radio licensees are required to pay are based on a percentage of their turnover from related activities. This is known as Relevant Turnover.

Each licensee is required to submit to Ofcom an annual statement of its Relevant Turnover for the previous calendar year. This provision of information is a licence requirement. As well as enabling Ofcom to determine the fees for the following year, the information is used by Ofcom to fulfil its market reporting obligations.

Failure by a licensee to submit an annual Relevant Turnover return when required represents a serious and fundamental breach of a broadcast licence, as the absence of the information contained in the return means that Ofcom is unable properly to carry out its regulatory duties.

A number of television licensees failed to submit their Relevant Turnover return to Ofcom by the deadline specified.

Ofcom considered that this raised issues warranting investigation under Licence Condition 12(1) which states:

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

- (a) a declaration as to the Licensee's corporate structure in such form and at such times as Ofcom shall specify;
- (b) such information as Ofcom may reasonably require from time to time for the purposes of determining whether the Licensee is on any ground a disqualified person by virtue of any of the provisions in Section 143 (5) of the 1996 Act and/or Schedule 2 to the 1990 Act or whether the requirements imposed by or under Schedule 14 to the Communications Act are contravened in relation to the Licensee's holding of the Licence".

¹ Statement of Charging Principles - http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf

In Breach

The following licensees have failed to submit their Relevant Turnover returns. These licensees have therefore been found in breach of their licences.

Licensee	Service Name	Licence Number
Bangla Multimedia Limited	Global Bangla TV	TLCS100613BA
DM Global Media Limited	DM News Plus	TLCS100193BA
Filmflex Movies Limited	FilmFlex	TLCS000861BA
Kensington Project Management Limited	IQTV	TLCS100550BA
Relativity Marketing Limited	Sin TV	TLCS100875BA
24 Live UK Limited	24 Live	TLCS001748BA

As Ofcom considers this to be a serious and continuing licence breach, **Ofcom is putting these licensees on notice that this contravention of their licences will be considered for the imposition of a statutory sanction, including licence revocation.**

Ofcom takes this opportunity to remind all TV licensees that failure to submit Relevant Turnover information when required represents a significant breach of a television broadcasting licence.

Breach of Licence Condition 12(1) in Part 2 of the Schedule to the Television Licensable Content Service Licence

Resolved

The following licensees failed to submit their Relevant Turnover returns in accordance with the original deadline, but subsequently submitted a late return. For these two licensees, we therefore consider the matter **resolved**.

Licensee	Service Name	Licence Number
Arabic News Broadcast UK Limited	Arabic News Broadcast	TLCS001079BA
Kashmir Broadcasting Corporation Limited	KBC	TLCS000544BA
Alforat Satellite Channel Limited	Alforat TV (Satellite Channel)	TLCS100560BA

Broadcast Fairness and Privacy cases

Upheld

Complaint by Mr Davinder Bal on his own behalf and on behalf of Sikh Channel¹

PTC News, PTC Punjabi, 14 November 2015

Summary

Ofcom has upheld this complaint made by Mr Davinder Bal, the Chairman of Sikh Channel, on his own behalf and on behalf of Sikh Channel of unjust and unfair treatment in the programme as broadcast.

The programme featured two news reports about the visit to the UK in November 2015 by the Indian Prime Minister, Mr Narendra Modi, and included a story about a dossier (apparently presented by Mr Modi, to the UK Prime Minister, David Cameron MP) which was said to have included evidence that certain Sikh channels were inciting young Sikhs to acts of violence and encouraging secession from India. In particular, the programme said that according to the dossier, Sikh Channel was being “run by secessionist groups and individuals who supported secession from India” and that it had broadcast certain news stories and images in an attempt to provoke a violent reaction from the Sikh youth. The report further alleged that the owner of Sikh Channel, Mr Bal, had sent money to a political organisation based in Pakistan which wanted to create an independent Sikh state of Khalistan.

Ofcom found that:

- The broadcaster had not taken reasonable steps to satisfy itself that material facts relating to Sikh Channel and Mr Bal were not presented in the programme in a way that was unfair to them.
- Given the significant allegations made in the programme about Sikh Channel and Mr Bal, the broadcaster was required to provide them with an appropriate and timely opportunity to respond to the claims in order to avoid unfairness. Its failure to do so resulted in unfairness to both Sikh Channel and Mr Bal.

Programme summary

PTC Punjabi is a news and general entertainment channel broadcast in Punjabi. On 14 November 2015, PTC Punjabi broadcast an edition of its news programme *PTC News*. As the programme was broadcast in Punjabi, Ofcom obtained an English translation and sent it to the complainant and the broadcaster for comment. The broadcaster provided comments on the translation. Having assessed these, amendments were made by the translator and the parties were provided with a final version of the translated transcript. The parties were informed that Ofcom would use this translation for its investigation. No further comments were received.

The programme featured two news reports relating to a story about the Indian Prime

¹ Sikh Channel is a television station providing religious and cultural programming to the Sikh community in the UK and Europe.

Minister's visit to the UK in 2015 and his attempt to solicit assistance from the British government in curbing the activities of "secessionist" television channels.

Report 1

The first report included an interview with Mr Amandeep Singh Bhogal, the Conservative Party candidate (during the 2015 General Election) for Upper Bann, Northern Ireland. The presenter in the studio had headlined the story at the beginning of the programme:

"Conservative A S Bhogal makes a major announcement that Pakistan is supporting Khalistani militants², and makes allegations of incitement against some UK based Sikh channels. Prime Minister Modi has taken up the matter with the British government and presented it with a dossier of evidence about various channels that are inciting hatred".

Later in the programme, the presenter introduced the report featuring Mr Bhogal:

"So, let's first begin with the news that in the UK Conservative candidate A S Bhogal has made the announcement that Pakistan is very blatantly giving assistance to Khalistani militants. In addition, he said that certain UK based Sikh channels were attempting to incite sedition. A S Bhogal talking to an English channel has stated that Pakistan is so deeply concerned about the election of Prime Minister Modi that they are acting in an irrational manner. In addition, he said that by raising this letter with [David] Cameron he had taken the rights steps. Let's hear further what he had to say".

Footage of Mr Bhogal was then shown in which he spoke about various issues relating to the Sikh community. In particular, he spoke about people who supported the creation of an independent Sikh state in India and his view that the only media covering Khalistani protests was the Pakistani media. He questioned whether there was "something sinister going on there". Mr Bhogal then said:

"There have been a number of Sikh channels that have been fined in the past by the broadcast regulator here in the United Kingdom in terms of them broadcasting material that is promoting hatred, violence and terrorism, so there is a lot of concern as far as these TV channels are concerned and I think Prime Minister Modi is absolutely right in wanting to raise this issue with Prime Minister Cameron.

Well, although it was a different administration a decade ago, it was in 2002 and 2003 when the predecessors of many of these present day Khalistani organisations in the UK were banned as terrorist organisations. So I'm hoping that the Prime Minister here in the UK will look at this situation very seriously and be able give proper assurances to Prime Minister Modi...".

Report 2

Later in the programme, the second report was introduced by the presenter in the studio:

"Prime Minister Modi has presented the British government with a dossier in which they have urged the government to cooperate with them in trying to bring

² Referring to those who support the creation of an independent Sikh state of Khalistan.

peace in the Punjab. In addition, Prime Minister Modi has stated in the dossier that he wants the British government to curb the activities of these secessionist channels, who are trying to incite revolt”.

A pre-recorded report was then shown which included footage of Prime Minister Modi during his visit to the UK. While this footage was shown, the reporter said:

“During his official visit to England, Prime Minister Narendra Modi has raised the issue of achieving peace in the Punjab and requested the British government to curb the activities of secessionist groups in the UK and asked it to take action against them. Modi has handed the British government a detailed dossier in which he has laid out the activities of these groups, and in particular named those organisations that are funding these Khalistani secessionist movements and thus taking advantage of the current situation in the Punjab are trying to incite Sikh youth. Further, the dossier identifies those Sikh channels that are inciting Sikh youth and encouraging secession from India. According to the dossier, intelligence reports have discovered that one of the leaders of Shiromani Akali Dal³, namely Avtar Singh Khanda, who is close to Jagtar Singh Hawara⁴, along with Babbar Singh International UK Khalsa’s Paramjit Singh Pamma, have been inciting Sikh youth and training them in the use of Improvised Explosive Devices (IEDs), by holding classes. The dossier states that such classes have been held in the recent past at Guru Nanak Gurdwara, Sparkhill, Stratford [Road], Birmingham in December 2014 and Gurdwara Singh Sabha, Glasgow in January 2015.

In the dossier, Modi has also stated that the UK based media needs to be curbed, in particular Sikh Channels like the Sikh Channel and Sangat TV which are being run by secessionist groups and individuals who support secession from India. Both channels, on 4 June 2014, broadcast news and images of the shooting and killing of two Sikhs at the hands of the police in Jammu, Kashmir, continuously in an attempt to provoke a [violent] reaction from Sikh youth. Further, the owner of the Sikh Channel had sent £2,500 to the head of Akali Dal Khalsa International⁵ based in Pakistan. It’s worth noting that Babbar Khalsa International⁶ is running an internet radio station called Babbar Khalsa radio, which is assisting Khalistani separatists in their campaign [against India]. It is also stated in the dossier by a UK based NGO [non-government organisation] that the Dal Khalsa have opened a page on Twitter and Facebook which has been used to launch a campaign against Modi”.

The studio presenter and an interviewee then discussed a series of rallies which had been organised which aimed to explain to people what was happening in the Punjab and other matters concerning Sikhs.

³ A Sikhism-centric political party in India.

⁴ A leader of the Sri Akaal Takht Sahib, the highest religious seat. He is a member of Babbar Khalsa (a Khalistani militant organisation based in India). He was convicted of the assassination of then Punjab chief minister Beant Singh.

⁵ A political organisation which wants to create an independent Sikh state of Khalistan.

⁶ Babbar Khalsa International (“Babbar Khalsa” or “BK”) is included on the Home Office List of Proscribed Terrorist Organisations, 18 March 2016, and states that it is “a Sikh movement that aims to establish an independent Khalistan [or Sikh homeland] within the Punjab region of India”.

Summary of the complaint and broadcaster's response

The complaint

- a) Mr Bal, the Chairman of Sikh Channel, complained on his own behalf and on behalf of Sikh Channel that they were treated unjustly or unfairly in the programme as broadcast because the programme:
- made serious allegations that Sikh Channel supported separatist movements and incited the British Sikh youth to engage in act of violence; and
 - alleged that Mr Bal had funded a Pakistani based separatist movement.
- b) Mr Bal and Sikh Channel were not given an appropriate and timely opportunity to respond to the above allegations made in the programme.

Broadcaster's response

In response to the complaint, PTC Punjabi said that the reports covered a topical news story about the Indian Prime Minister's visit to the UK and his submission to the UK Prime Minister of a dossier which claimed to contain evidence of anti-Indian activities amongst certain sections of the UK community. PTC Punjabi said that given the serious nature of the claims made in the dossier, the news team had made "serious attempts" to check the accuracy of the information. Further, the broadcaster said that the reports always referred to the claims as being contained within the dossier. PTC Punjabi said that it was not possible to access the dossier itself, but that the production team had checked the reports with other news agencies who themselves reported the story. The broadcaster provided website links to these reports⁷.

PTC Punjabi said that given the story focused on the UK's Sikh community, the news team featured an interview with the British MP, Mr Bhogal, who clearly expressed in the programme his own opinion regarding some Sikh channels broadcasting in the UK. The broadcaster said that this interview was considered to provide a relevant

⁷ ABP News: 'Modi reaches London , will hand the dossier on Dawood Ibrahim to the British NSA' <https://www.youtube.com/watch?v=xObzjfwJK5g>

Times Now: 'Khalistani Terror Will Be Prime Agenda For PM Modi' https://www.youtube.com/watch?v=35Kx_Z0BtII

Sikh Siyasat News: 'Modi dossier targets UK Sikh diaspora activism and Sikh TV Channels' <http://sikhsiyasat.net/2015/11/13/modi-dossier-targets-uk-sikh-diaspora-activism-and-sikh-tv-channels/>; India TV: 'PM Modi to ask UK to take action against Sikh radical groups' <http://www.indiatvnews.com/news/world/pm-modi-to-ask-uk-to-take-action-against-sikh-radical-groups-27207.html>

Yahoo News: 'Intel says many UK Gurdwaras breeding ultras' <https://in.news.yahoo.com/intel-saysmany-uk-gurdwaras-breeding-000000166.html>; Singh Station: 'Modi dossier alleges UK Sikh Diaspora and Channels spreading terror' <http://singhstation.net/2015/11/modi-dossier-alleges-uk-sikh-diaspora-and-channels-spreading-terror/>

Daily Mail: 'Intelligence says many UK Gurdwaras breeding ultras: India shares dossier with Cameron's government during Modi's visit that states some Sikh organisations are funding Khalistani terror groups' <http://www.dailymail.co.uk/indiahome/indianews/article-3316067/Modi-UK-visit-Intelligence-says-UK-gurdwaras-breeding-ultras-India-shares-dossier-Cameron-s-government-Modi-s-visit-states-Sikh-organisations-funding-Khalistani-terror-groups.html>

context to the main story of the dossier being delivered by the Indian Prime Minister to the UK Prime Minister.

PTC Punjabi said it had called the Indian office of Mr Bal to seek his response, but could not reach him.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View on this case that the complaint should be upheld. Both parties were given the opportunity to make representations on the Preliminary View, but 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 this Decision, we carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and a translated transcript of it and both parties' written submissions.

When considering and deciding complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's action ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of the Code.

It is important to note that in assessing this case it was not Ofcom's role to make a determination about the truth or otherwise of the claims made in the programme⁸. Our role is to determine whether the programme had complied with Section Seven (Fairness) of the Code. In carrying out this assessment, we took into consideration the nature of the claims made against Mr Bal and Sikh Channel. Against this background, and in line with the right to freedom of expression, we considered it legitimate for a broadcaster to make and broadcast a news programme which included a story about the Indian Prime Minister's visit to the UK and the dossier of evidence which, it was reported, he had presented to the UK Prime Minister to help encourage the UK government to cooperate with India and curb the activities of secessionist groups in the UK. The dossier was said to have included evidence that various UK based Sikh channels were inciting hatred amongst the Sikh community. Nevertheless, we considered that, in making and broadcasting such a programme, a broadcaster must ensure that it avoids unjust or unfair treatment of organisations or individuals in the programme.

- a) We first considered the complaint that both Sikh Channel and Mr Bal were treated unjustly or unfairly in the programme as broadcast because the programme made

⁸ Separately, Ofcom is currently investigating content broadcast by Sikh Channel.

serious allegations that Sikh Channel supported separatist movements, incited the British Sikh youth to acts of violence, and, that Mr Bal had funded a Pakistani based separatist movement.

In assessing both heads of the complaint, we had regard to Practice 7.9 of the Code which states 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 an individual or organisation. It is important to emphasise that Ofcom is unable to make findings of fact in relation to the allegations made about Mr Bal and Sikh Channel in the programme. Rather, our role is to consider whether by broadcasting the comments made about them in the programme the broadcaster took reasonable care not to present, disregard or omit material facts in a way that resulted in unfairness to the complainants.

The Code recognises the importance of freedom of expression and the public interest need to allow broadcasters the freedom to broadcast matters in news and current affairs programmes. However, in presenting material in programmes, reasonable care must be taken by broadcasters not to do so in a manner that causes unfairness to individuals or organisations in programmes. Whether a broadcaster has taken reasonable care to present material facts in a way that it not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case including, for example, the seriousness of any allegations and the context within which they are made.

Therefore, Ofcom began by considering the seriousness of the allegations and whether they had the potential to materially and adversely affect viewers' opinion of Sikh Channel and Mr Bal in a way that was unfair. We then went on to consider whether, if the allegations did have this potential, the manner in which the allegations were presented in the programme resulted in unfairness.

Ofcom viewed the programme and examined the translated transcript of it, noting in particular the comments made by Mr Bhogal and the reporter about the dossier and the allegations about some UK based Sikh channels. In relation to the first report, we considered that the comments made by Mr Bhogal were presented in the programme in a manner which clearly indicated to viewers that the comments expressed Mr Bhogal's own opinion and that he was providing commentary and context to the news story about the separatist movements and the motive of the Indian Prime Minister in deciding to, according to the report, present the dossier to the UK Prime Minister. We also noted that Mr Bhogal's comments were non-specific, in that they did not refer to any particular channel or individual.

However, in the second report, the reporter said that the dossier had specifically identified Sikh Channel as *"being run by secessionist groups and individuals who support secession from India"* and that it had *"broadcast news and images of the shooting and killing of two Sikhs at the hands of the police in Jammu, Kashmir, continuously in an attempt to provoke a [violent] reaction from Sikh youth"*. We also noted that the reporter stated that *"the owner [Mr Bal] of the Sikh Channel had sent £2,500 to the head of Akali Dal Khalsa International⁹ based in Pakistan"* (see the "Programme summary" section above).

Ofcom noted the broadcaster's submission that the reports covered a topical news story about the Indian Prime Minister's visit to the UK and his submission to

⁹ See footnote 4.

the UK Prime Minister of a dossier which it was claimed contained evidence of anti-Indian activities amongst certain sections of the UK community, and that the reports always referred to the claims as being contained within the dossier. However, as stated above, Ofcom's role is not to determine the truth or otherwise of claims made in a programme, but to consider whether the programme, in its entirety, resulted in unfairness to an individual and/or organisation. Therefore, notwithstanding the broadcaster's submission that there was justification for the programme to report the claims contained in the dossier, Ofcom considered that the comments made in the programme amounted to serious allegations that Sikh Channel supported separatist movements and incited young Sikhs to engage in acts of violence and that Mr Bal had funded a Pakistani-based separatist movement. These comments, in our view, clearly had the potential to materially and adversely affect viewers' opinion of both Sikh Channel and Mr Bal.

Having established that the comments made in the second report about Sikh Channel and Mr Bal were serious allegations, we next considered whether the broadcaster had taken reasonable care to satisfy itself that material facts had not been presented in a way that was unfair to Sikh Channel and Mr Bal.

In relation to the specific comments which were made in the programme about Sikh Channel and Mr Bal, we noted that the broadcaster said that it had not accessed the content of the dossier which allegedly contained the allegations, but had, instead, made "serious attempts to check the accuracy of the information" (although specific details of these attempts were not provided to Ofcom) and that it had checked reports about the Indian Prime Minister's visit to the UK and the contents of the dossier with other news agencies that had also reported the story.

Ofcom recognised that the programme was reporting on a recent news story of interest to viewers and, having regard to the website links provided by the broadcaster to Ofcom, we noted that some of these sources had also reported that the dossier had identified that Sikh Channel supported separatist movements and had claimed that it had broadcast material aimed at inciting the young British Sikhs to engage in violence and that Mr Bal had sent money to a separatist movement in Pakistan. However, while the report made clear that the claims arose from the dossier, in our view, the allegations about Sikh Channel and Mr Bal were presented as fact and the report did not make any attempt to place the claims in context by explaining for the benefit of viewers that, for instance, the media sources from which the report had based their claims or that the allegations had been made in other media sources and that the broadcaster was solely providing comment on the news story. Nor did the report make it clear to viewers that the programme makers had not had sight of the dossier and could therefore not verify that the allegations against Sikh Channel and Mr Bal were, in fact, contained within it. Further, we noted that the viewpoints of Sikh Channel and Mr Bal on the allegations were not included in the programme.

Taking into account all the factors above, we considered that the allegations made against Sikh Channel and Mr Bal amounted to significant allegations about their conduct which had the clear potential to materially and adversely affect viewers' opinions of them in a way that was unfair. For these reasons, Ofcom considered that, in the particular circumstances of this case, the broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in the programme in a way that was unfair to Sikh Channel and Mr Bal.

- b) We next assessed the complaint that Mr Bal and Sikh Channel were not given an appropriate and timely opportunity to respond to the above allegations made in the programme.

In considering this aspect of the complaint, Ofcom took account of Practice 7.11 of the Code 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.

For the reasons given in head a) above, we considered that the comments made in the programme amounted to significant allegations against Sikh Channel and Mr Bal. Normally, where significant allegations are made about an individual or organisation in a programme, the broadcaster should ensure that the individual or organisation concerned is given an opportunity to respond and, where appropriate, for that response to be represented in the programme in a fair manner.

Ofcom noted that the broadcaster said in its submission that it had tried to contact Mr Bal by telephone at his Indian office to seek his response, but had been unable reach him. However, the broadcaster provided no evidence to Ofcom that it had attempted to contact Mr Bal, nor did it provide any detail of the attempt it said had been made to contact him, such as the specific date or time when the telephone call was made. It also did not appear from the broadcaster's submission that any further attempts, or alternative approaches, were made to contact Mr Bal and/or Sikh Channel for their response to the allegations.

Given the serious nature of the allegations made against Mr Bal and Sikh Channel, we considered that the broadcaster should have provided Mr Bal and Sikh Channel an appropriate and timely opportunity to respond. Ofcom considered that the failure to give Mr Bal and Sikh Channel such an opportunity to respond to the allegations prior to broadcast was unfair to both Mr Bal and Sikh Channel.

Ofcom has upheld Mr Bal's and Sikh Channel's complaint of unjust or unfair treatment in the programme as broadcast.

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 27 June and 10 July 2016 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	Broadcaster	Transmission date	Categories
Evolution	Channel 4	22 May 2016	Offensive language

For more information about how Ofcom conducts investigations about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Complaints assessed, not investigated¹

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 27 June and 10 July 2016 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 complaints about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Autopsy: The Last Hours of Robin Williams	5 Star	06/07/2016	Suicide and self harm	1
Magicians	5 Star	23/06/2016	Animal welfare	1
Masterchef USA (trailer)	Alibi	16/06/2016	Generally accepted standards	1
News	BBC / ITV	28/06/2016	Crime and disorder	1
Black Power: America's Armed Resistance	BBC 1	14/06/2016	Generally accepted standards	1
Breakfast	BBC 1	08/07/2016	Violence	1
EastEnders	BBC 1	10/06/2016	Generally accepted standards	1
EastEnders	BBC 1	16/06/2016	Materially misleading	1
Euro 2016	BBC 1	13/06/2016	Generally accepted standards	1
Live Tennis	BBC 1	18/06/2016	Offensive language	1
Panorama – Orlando Massacre	BBC 1	27/06/2016	Violence	1
Room 101	BBC 1	10/06/2016	Race discrimination/offence	1
Saturday Kitchen Live	BBC 1	11/06/2016	Drugs, smoking, solvents or alcohol	1
Countryfile	BBC 2	13/06/2016	Animal welfare	1
Glastonbury	BBC 2	25/06/2016	Offensive language	2
Peaky Blinders	BBC 2	02/06/2016	Generally accepted standards	1
Peaky Blinders	BBC 2	02/06/2016	Sexual material	1
The Great British Sewing Bee	BBC 2	26/06/2016	Offensive language	1
Top Gear	BBC 2	12/06/2016	Generally accepted standards	1
Versailles	BBC 2	08/06/2016	Sexual material	1
Victoria Derbyshire	BBC 2	29/06/2016	Generally accepted standards	1

¹ This table was amended after publication to correct a factual inaccuracy

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Wimbledon 2016	BBC 2	29/06/2016	Race discrimination/offence	1
BBC News	BBC News Channel	23/06/2016	Animal welfare	1
Clara Amfo	BBC Radio 1	20/06/2016	Crime and disorder	1
Jeremy Vine	BBC Radio 2	22/06/2016	Generally accepted standards	1
Heresy	BBC Radio 4	08/06/2016	Offensive language	1
The News Quiz	BBC Radio 4	10/06/2016	Race discrimination/offence	1
Today	BBC Radio 4	28/06/2016	Race discrimination/offence	1
5 Live Breakfast	BBC Radio Five Live	01/06/2016	Race discrimination/offence	1
The Jonny Cole Show	Black Country Radio	06/06/2016	Scheduling	1
Pro Bull Riding	BT Sport	18/06/2016	Dangerous behaviour	1
Capital Breakfast with Rob and Katy	Capital Birmingham	17/06/2016	Sexual material	1
Channel 4 News	Channel 4	08/06/2016	Generally accepted standards	4
Channel 4 News	Channel 4	27/06/2016	Generally accepted standards	4
Channel 4 News	Channel 4	27/06/2016	Race discrimination/offence	5
Channel 4's Comedy Gala 2016	Channel 4	03/06/2016	Race discrimination/offence	1
Europe: the Final Debate with Jeremy Paxman	Channel 4	22/06/2016	Age discrimination/offence	4
Europe: the Final Debate with Jeremy Paxman	Channel 4	22/06/2016	Disability discrimination/offence	1
Eurotrash	Channel 4	17/06/2016	Generally accepted standards	4
Fifteen to One	Channel 4	06/06/2016	Race discrimination/offence	1
Gogglebox	Channel 4	10/06/2016	Generally accepted standards	1
Hollyoaks	Channel 4	27/06/2016	Materially misleading	1
Life Stripped Bare	Channel 4	05/07/2016	Nudity	2
Secrets of Growing Up	ITV	08/06/2016	Materially misleading	1
The Chase	ITV	30/06/2016	Fairness	1
The Chase	ITV	01/07/2016	Generally accepted standards	1
The Chase	ITV	04/07/2016	Fairness	1
The Jeremy Kyle Show	ITV	08/06/2016	Generally accepted standards	1
This Morning	ITV	15/06/2016	Gender discrimination/offence	1
This Morning	ITV	30/06/2016	Fairness	1
Tonight at the London Palladium	ITV	08/06/2016	Nudity	9

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Love Island	ITV2	08/06/2016	Sexual material	1
Love Island	ITV2	15/06/2016	Generally accepted standards	1
Love Island	ITV2	16/06/2016	Generally accepted standards	2
Love Island	ITV2	21/06/2016	Generally accepted standards	1
Love Island	ITV2	22/06/2016	Sexual material	8
Love Island	ITV2	23/06/2016	Sexual material	1
Love Island	ITV2	27/06/2016	Generally accepted standards	1
Love Island	ITV2	27/06/2016	Offensive language	1
Love Island	ITV2	01/07/2016	Drugs, smoking, solvents or alcohol	1
Love Island	ITV2	07/07/2016	Generally accepted standards	1
Safeword	ITV2	09/06/2016	Generally accepted standards	1
Celebrity Juice	ITV2 +1	10/06/2016	Generally accepted standards	1
The Chase	ITV4	23/05/2016	Fairness	1
Andrew Pierce	LBC 97.3FM	20/05/2016	Race discrimination/offence	1
If Katie Hopkins Ruled the World	LBC 97.3FM	05/06/2016	Religious/Beliefs discrimination/offence	1
James O'Brien	LBC 97.3FM	27/06/2016	Race discrimination/offence	1
Katie Hopkins	LBC 97.3FM	05/06/2016	Religious/Beliefs discrimination/offence	1
Catfish: The TV Show	MTV	09/05/2016	Materially misleading	1
Catfish: The TV show	MTV	10/05/2016	Exorcism, the occult and the paranormal	1
Most Daring	Pick	18/06/2016	Generally accepted standards	1
Larva	Pop	13/06/2016	Scheduling	1
Programming	Salaam Radio	20/06/2016	Offensive language	1
Fish Town	Sky Atlantic	08/06/2016	Offensive language	1
Game of Thrones	Sky Atlantic	30/05/2016	Generally accepted standards	1
Four Weddings	Sky Living	10/06/2016	Generally accepted standards	1
Press Preview	Sky News	12/06/2016	Generally accepted standards	1
Press Preview	Sky News	12/06/2016	Sexual orientation discrimination/offence	253
Press Preview	Sky News	25/06/2016	Generally accepted standards	1
Sky News	Sky News	09/06/2016	Generally accepted standards	1
Sky News	Sky News	12/06/2016	Due impartiality/bias	1
Sky News	Sky News	22/06/2016	Generally accepted standards	1
Sky News	Sky News	24/06/2016	Generally accepted	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
			standards	
Sky News	Sky News	27/06/2016	Under 18s in programmes	1
Sky News	Sky News	Various	Age discrimination/offence	1
Sky News with Kay Burley	Sky News	15/06/2016	Disability discrimination/offence	1
Sky News with Kay Burley	Sky News	24/06/2016	Generally accepted standards	1
The Pledge	Sky News	07/05/2016	Generally accepted standards	1
The Beginners Guide To Depression	Spark FM (Sunderland)	16/05/2016	Disability discrimination/offence	1
The Voice of the Gulf	Spectrum Radio	07/06/2016	Religious/Beliefs discrimination/offence	1
Emmerdale	STV	28/06/2016	Violence	1
The Spider Woman	TCM	16/06/2016	Race discrimination/offence	1
Skönhetsfällan Danmark	TV3	29/05/2016	Sexual material	1
Advertisements	Various	Various	Advertising minutage	1
Programming	Various	Various	Competitions	1

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

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

Broadcaster	Service	Categories
Sky UK Limited	Sky channels	Subtitling
BBC	Today at Wimbledon	Subtitling

Complaints assessed under the Procedures for investigating breaches of rules for On Demand programme services

Programme	Service name	Categories	Number of complaints
DC Legends of Tomorrow – episode 15	Now TV	Sexual orientation discrimination/offence	1

For more information about how Ofcom assesses complaints about on demand services, go to: <http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/procedures-investigating-breaches.pdf>

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, accuracy in BBC programmes or an on demand service does not fall within the scope of regulation.

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 complaints about television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Advertisement	Absolute Radio Station	30/06/2016	Other	1
Euro 2016	BBC 1	13/06/2016	Other	1
RHS Hampton Court Palace Flower Show	BBC 2	07/07/2016	Sponsorship	1
Wimbledon 2016	BBC 2	04/07/2016	Other	1
Wimbledon 2016	BBC 2	08/07/2016	Other	1
Egypt's Lost Cities	BBC 4	25/06/2016	Other	1
BBC News	BBC News Channel	19/06/2016	Other	1
Dead Ringers	BBC Radio 4	25/06/2016	Generally accepted standards	1
Smilie's People	BBC Radio 4 Extra	05/07/2016	Other	1
Euro 2016	BBC Red Button 1	07/07/2016	Other	1
BBC News	BBC World Service Radio	06/06/2016	Due impartiality/bias	1
Advertisement	Channel 4	25/06/2016	Advertising/editorial distinction	1
Advertisement	Channel 4	26/06/2016	Advertising content	1
Advertisement	Channel 4	30/06/2016	Advertising content	1
Advertisement	Channel 4	03/07/2016	Advertising content	1
Channel 4 News	Channel 4	03/07/2016	Other	1
The Women Who Kill Lions (pre-transmission)	Channel 4	28/06/2016	Other	1
Advertisement	Channel 4 +1	30/06/2016	Advertising content	1
Advertisement	Channel 5	10/06/2016	Advertising content	1
Advertisement	Dave	04/07/2016	Advertising content	1
Advertisement	GOLD +1	03/07/2016	Advertising content	3
Advertisement	ITV	27/06/2016	Advertising content	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Advertisement	ITV	30/06/2016	Advertising content	1
Euro 2016	ITV	26/06/2016	Other	1
Euro 2016	ITV	06/07/2016	Other	1
Euro 2016: England v Iceland	ITV	27/06/2016	Other	1
Good Morning Britain	ITV	27/06/2016	Other	1
ITV News	ITV	25/06/2016	Other	1
Love Island	ITV2	26/06/2016	Other	1
Advertisement	Kanal 5	29/06/2016	Advertising content	1
Advertisement	More4	26/06/2016	Advertising content	1
Chris Moyles	Radio X	30/06/2016	Advertising content	1
Advertisements	Various	23/06/2016	Advertising content	1
BBC News	Various	05/06/2016	Other	1
Programming	Various	Various	Other	1
Wimbledon 2016	Various	30/06/2016	Other	1
Wimbledon 2016	Various	06/07/2016	Other	2

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 27 June and 10 July 2016.

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

Programme	Broadcaster	Transmission date
Debate on EU Referendum	Akaal Channel	23 June 2016
Don't Make Me Laugh	BBC Radio 4	21 April 2016
British Forces News	Forces TV	7 January 2016
Your World With Neil Cavuto	Fox News	23 June 2016
Love Island	ITV2	30 June 2016
Weekend Hypes	TV99	12 April 2016
Zing Jukebox	Zing	21 June 2016

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to: <http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

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

Licensee	Licensed Service
24 Live UK Limited	24 Live
99 Media Org Limited	TV99
Alforat Satellite Channel Limited	Alforat TV
Arabic News Broadcast UK Limited	Arabic News Broadcast
Bangla Multimedia Limited	Global Bangla TV
DM Global Media Limited	DM News Plus
Filmflex Movies Limited	FilmFlex

Licensee	Licensed Service
Kashmir Broadcasting Corporation Limited	KBC
Kensington Project Management Limited	IQTV
Peace Full Media Limited	Legacy 90.1
Relativity Marketing Limited	Sin TV

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

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