

Ofcom Broadcast Bulletin

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Introduction

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

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

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

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

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

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

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

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

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

Note to Broadcasters

Broadcasting Code: non-geographic numbers in programming

On 27 April 2015, Ofcom published a statement setting out amendments to Section Two, Section Nine and Section Ten of the Broadcasting Code about the use of non-geographic numbers in programming.

Certain non-geographic numbers (including the 084, 087, 09 and 118 number ranges) will be subject to a new tariff structure from 1 July 2015. This new structure is designed to make the costs of using non-geographic numbers more transparent and simpler for consumers to understand. As a result, the specific pricing information which broadcasters are required to give to listeners and viewers when they invite participation in programming will change.

Following a consultation late last year, our statement sets out amendments we are making to the Broadcasting Code and associated Code Guidance to ensure that call costs continue to be made clear to listeners and viewers. Broadcasters are strongly advised to familiarise themselves with these changes before 1 July 2015.

A copy of our statement can be found at:

<http://stakeholders.ofcom.org.uk/consultations/ngn-broadcasting/statement>

Further information – for businesses and consumers – about the unbundled tariff can be found on the UK Calling website: <http://www.ukcalling.info/>

The amendments to the Code and Guidance will come into effect on 1 July 2015.

Note to Broadcasters

Tower Hamlets Mayoral Election

On 11 June 2015, an election will be held for the post of Mayor of Tower Hamlets¹. Now that the notice of election in this case has been published², the rules in Section Six (Elections and Referendums)³ of the Code apply, as well as the rules in Section Five (Due Impartiality)⁴ of the Code.

Ofcom reminds broadcasters of the great care that needs to be taken when broadcasting election-related programming. In particular, broadcasters should ensure that they comply with Sections Five and Six of the Code, as well as the prohibition of political advertising contained in section 321 of the Communications Act 2003.

Ofcom will consider any breach arising from election-related programming to be potentially serious, and will consider taking regulatory action, as appropriate, in such cases, including considering the imposition of a statutory sanction.

If a complaint is made which raises a substantive issue concerning due impartiality during the election period, and in Ofcom's opinion the complaint, if upheld, might require redress before the election, it will be considered by Ofcom's Election Committee. In such circumstances, it will be necessary for Ofcom to act expeditiously in order to determine the outcome of any such complaints in a proportionate and transparent manner before the election. Given this, Ofcom may expedite any investigation carried out in relation to potential breaches of the impartiality provisions of the Code during the election period and you should be prepared to engage with Ofcom on short timescales.

Although Ofcom is not able to give formal compliance advice to its licensees, if you would find it helpful to have informal guidance on Sections Five and Six of the Code, you can contact Ofcom directly (adam.baxter@ofcom.org.uk).

¹ In addition, on 11 June 2015 an election will be held for a vacant local council seat in the Stepney Green ward of Tower Hamlets Borough Council.

² See: http://www.towerhamlets.gov.uk/ign/council_and_democracy/elections_voting/election_2015/mayoral_and_stepney_green.aspx

³ See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf> Ofcom's published Guidance to Section Six of the Code can be found at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>

⁴ See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf> Ofcom's published Guidance to Section Five of the Code can be found at: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>

Standards cases

In Breach

That's Music

That's Solent, 24 January 2015, 19:13 to 19:18

Introduction

That's Music is a music programme broadcast on *That's Solent*, the local television service for Southampton and surrounding areas. The licence for *That's Solent* is held by *That's TV* ("That's TV" or "the Licensee").

Ofcom was alerted to instances of offensive language and sexual content in a music video, *Drinking from the Bottle*, by Calvin Harris (featuring rapper Tinie Tempah) broadcast before the watershed at 19:13. Ofcom noted the video contained scenes in which:

- (before the music commenced) the devil character said to a passer-by: *"I fucked Joan of Arc in 1430. She was just eighteen. Just a few months before she [pause] burned"*;
- the devil character picked up a t-shirt in a shop with the text: *"I fucked Lindsay"*;
- partially clothed dancers wearing high cut shorts were thrusting, gyrating and slapping each other's buttocks;
- under the devil's instruction, an intoxicated woman removed her t-shirt to reveal her bare breasts in a drugs den setting;
- the devil character was on his knees kissing and attempting to bite the torso of the bare breasted woman; and
- drug taking was inferred (for example, a woman and man wiping their nostrils indicating snorting and white lines of powder on a mirror on a table).

Ofcom considered the use of offensive language in this material and the repeated scenes of a more adult and sexualised nature raised issues warranting investigation under the following rules of the Code:

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

Rule 1.14: "The most offensive language must not be broadcast before the watershed...".

We therefore requested comments from the Licensee about how the material complied with these rules.

Response

That's TV stated that the video concerned was not intended to be broadcast at this time and that it took "full responsibility for this error". It sincerely apologised for any offence caused.

That's TV went on to explain that That's Solent had a library with over 24 hours of music videos and had in place a compliance checking process. It said that this particular video was an adult version which was scheduled incorrectly as a result of human error and had now been removed from the system. Further, the Licensee said that because the video was broadcast on a live show, when both the presenter and producer were preparing other items, they did not "fully appreciate its contents at the time".

Decision

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

Rule 1.14

Rule 1.14 of the Code states that "the most offensive language must not be broadcast before the watershed...". Ofcom research on offensive language notes that the word "fuck" and similar words are considered by audiences to be amongst the most offensive language and unacceptable for broadcast pre-watershed.

In this case the word "fuck" and related words were broadcast on two separate occasions. This material was therefore clearly in breach of Rule 1.14.

Rule 1.3

Ofcom noted that this music video included:

- a narrative storyline featuring the devil character walking the streets of Hollywood and eventually visiting a drugs den where men and women consumed alcohol and drugs and where the devil encouraged an intoxicated woman to remove her top so her bare breasts were visible. The devil character then kissed her bare torso vigorously and attempted to bite her; and
- scenes of female dancers standing by a car or lying on it wearing high cut shorts and cropped tops, thrusting and vigorously shaking their half covered buttocks. These images were shown in close-up and in slow motion. There were also full-screen shots of dancers opening and closing their legs to camera.

Ofcom considered that these scenes were clearly unsuitable for broadcast in the early evening at a time when children were available to view. In particular, Ofcom was concerned by the scenes that suggested the consumption of drugs. We were also concerned by the cumulative effect of the sexualised images of the dancers' buttocks gyrating, which were both intrusive and prolonged.

Ofcom clearly sets out in its Guidance: Observing the watershed on television and music videos (“the Guidance Note”)¹ that: “we would not expect to see singers and dancers wearing clothing which does not adequately cover their bodies (in particular their breasts, genital area and buttocks), and that broadcasters should consider the length of shots used and the overriding theme of the music video in deciding what is appropriate for broadcast before the watershed”.

We therefore went on to consider whether this material was appropriately scheduled.

Appropriate scheduling is judged according to factors such as the nature of the content, the number and age range of children in the audience taking into account school time, weekends and holidays, and the likely expectations of the audience. This particular video contained the most offensive language, nudity, adult themes of drug taking and also sexualised images.

It was not possible to determine the audience profile of the That’s Solent service, and therefore how many children may have watched this material. However, as this music video was broadcast at 19:13 there was a significant likelihood that children were available to view at this time. We also noted that the channel is freely available on the digital terrestrial platform and therefore it was clearly possible for children in the locality to come across it unawares. It is Ofcom’s view that this sort of material would not normally be expected in a music video broadcast at a time when children were likely to be watching.

For all these reasons we did not consider that this content was appropriately scheduled, and it therefore breached Rule 1.3.

Ofcom has noted that That’s Solent took “full responsibility for this error” and apologised for any offence caused. Licensees must however ensure that appropriate and robust arrangements are in place to ensure compliance with the Code.

Breaches of Rules 1.3 and 1.14

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

In Breach

Boshonto Batashe

NTV, 29 December 2014, 00:30

Introduction

NTV is a news and general entertainment channel broadcast in Bangla and serving a Bangladeshi community in the UK and Europe. The licence for NTV is held by International Television Channel Europe Limited (“ITCE” or “the Licensee”).

Ofcom was alerted to the broadcast of a sponsorship credit around the live music programme, *Boshonto Batashe*. The programme was sponsored by three businesses, including Guru Soundz, a UK supplier of Indian musical instruments.

Ofcom noted that the credit for Guru Soundz included on-screen text stating “*Order online on [website address]*”.

Ofcom therefore considered this sponsorship credit raised issues warranting investigation under Rule 9.22(a) of the Code, which states:

Rule 9.22: “Sponsorship credits must be distinct from advertising. In particular:

- (a) Sponsorship credits broadcast around sponsored programmes must not contain advertising messages or calls to action. Credits must not encourage the purchases or rental of the products or services of the sponsor or a third party. The focus of the credit must be the sponsorship arrangement itself. Such credits may include explicit reference to the sponsor’s products, services or trade marks for the sole purpose of helping to identify the sponsor and/or the sponsorship arrangement”.

We therefore asked the Licensee how the sponsorship credit complied with this rule.

Response

ITCE acknowledged that the sponsorship credit was in breach of the Code, apologising for the text, “*Order online on [website address]*”, which it said had been included by mistake.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

The AVMS Directive limits the amount of advertising a broadcaster can transmit and requires that advertising is kept distinct from other parts of the programme service. Sponsorship credits are treated as part of the sponsored content and do not count towards the amount of airtime a broadcaster is allowed to use for advertising. To

prevent credits effectively becoming advertisements, and therefore increasing the amount of advertising transmitted, broadcasters are required to ensure that sponsorship credits do not contain advertising messages or calls to action.

Rule 9.22(a) of the Code reflects this requirement. Among other things, Rule 9.22(a) requires that sponsorship credits broadcast around sponsored programmes must not contain advertising messages or calls to action. The focus of the credit must be the sponsorship arrangement itself and references to the sponsor's products, services or trademarks should be for the sole purpose of helping identify the sponsor and/or the sponsorship arrangement.

We noted ITCE's view that the sponsorship credit "did not encourage the purchase or rental of...products or services...". However, Ofcom's guidance¹ makes clear that "basic contact details (e.g. websites or telephone numbers) may be given in credits, but these should not be accompanied by language that is likely to be viewed as an invitation to the audience to contact the sponsor". As "*Order online on* [website address]" was such a call to action, the credit was in breach of Rule 9.22(a) of the Code.

Between April 2013 and September 2014, Ofcom recorded a total of 20 breaches of the Code against ITCE for material broadcast on NTV during the period May 2012 to June 2014, including 15 breaches of rules in Section Nine of the Code (Commercial References in Television Programming), five of which were breaches of Rule 9.22. These breaches led to Ofcom recently recording a Finding of a breach of Licence Condition 17(2) having concluded that there continues to be a systemic problem with its compliance procedures. Ofcom has put the Licensee on notice that it will consider NTV's breach of Licence Condition 17(2) in relation to the failings of its compliance procedures for the imposition of a statutory sanction.²

The Licensee should take urgent steps to ensure the compliance of its sponsorship credits and Ofcom will continue to monitor its performance.

Breach of Rule 9.22(a)

¹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section9.pdf>

² See <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb276/Issue276.pdf>.

Advertising Scheduling cases

In Breach

Advertising minutage

TLC (Slovenia), 18 October 2014, 20:00

Introduction

TLC broadcasts documentaries and reality programmes on cable and satellite platforms. The licence for the service is owned by Discovery Communications Europe Limited (“the Licensee”).

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

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

Ofcom was alerted to an incident that occurred on the Slovenian feed of the service that resulted in the 20:00 clock hour exceeding the permitted allowance by 11 minutes and seven seconds.

Ofcom considered the matter raised issues warranting investigation in respect of Rule 4 of COSTA. We therefore asked the Licensee for its comments under this rule.

Response

The Licensee said that the incident was caused by a technical failure specific to the Slovenian feed of TLC. It explained that this feed contained additional triggers for local advertising to be broadcast in the 20:00 clock hour. However, the Licensee added that these additional triggers did not feature in the schedule it sent to its Broadcast Schedule Operations team and as such, concluded that the fault occurred during transmission.

The Licensee said that upon being made aware of the issue by Ofcom, it arranged to drop the equivalent amount of advertising gained from the incident. It achieved this over a four day period.

Decision

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

Articles 20 and 23 of the EU Audiovisual Media Services (AVMS) Directive set out strict limits on the amount and scheduling of television advertising. Ofcom has transposed these requirements by means of key rules in COSTA.

Ofcom noted the Licensee's decision to drop advertising minutage from its schedules to compensate for the overrun. However, the amount of advertising in this clock hour significantly exceeded the permitted allowance and therefore breached Rule 4 of COSTA.

Breach of Rule 4 of COSTA

In Breach

Advertising minutage

ABN TV, 23 November 2014 and 8 December 2014

Introduction

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

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

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

During monitoring of licensees’ compliance with COSTA, Ofcom noted that the channel exceeded the maximum allowance for advertising in any clock hour by two minutes and 30 seconds on 23 November 2014 and one minute and 31 seconds on 8 December 2014.

Ofcom therefore considered the matter raised issues warranting investigation in respect of Rule 4 of COSTA and asked the Licensee for its comments with regard to this rule.

Response from ABN

ABN stated that both incidents had been caused by a programme exceeding its scheduled duration in the previous hour and pushing advertising minutage forwards into the clock hour in question. The Licensee explained that due to the limited period for editing the programme in question before transmission, it had given its third-party playout provider, Advanced Broadcast Services (“ABS”) the authority to cut the length of the programme to comply with Rule 4 of COSTA. For the clock hours in question, ABN said that ABS had not edited the programme to its scheduled duration before broadcast.

ABN explained that it has requested a meeting with ABS to ensure that such overruns are not repeated.

Response from ABS

Ofcom’s Procedures for investigating breaches of content standards for television and radio¹ permit Ofcom to seek representations from third parties “who may be directly affected by the outcome of Ofcom’s investigation and determination of a complaint(s) and who may have interests independent of the relevant broadcaster of that programme (e.g. presenters, producers and/or independent programme-makers)”. In the circumstances of this case, Ofcom considered that ABS, as the playout provider for ABN, met these criteria and therefore gave it the opportunity to respond to ABN’s comments.

¹ <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>

ABS confirmed that the representations made by ABN were accurate. ABS stated that it had carried out an internal investigation and found that human error within its playout team had caused the overruns. In an attempt to keep the programme as complete as possible the team were “indulging in complicated time and material adjustment calculations” which led to “a miscalculation, essentially due to time constraints”.

ABS informed us that it has since conducted one-on-one training sessions with all of its transmission team members to ensure that they are aware of their compliance obligations and of the agreements ABS has with ABN.

Decision

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

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

In this case, the amount of advertising broadcast by ABN exceeded the permitted allowance.

Ofcom noted the Licensee’s explanation that these incidents were the result of human error at its third-party playout provider ABS. We also welcome the measures taken by the Licensee and ABS to improve COSTA compliance procedures at ABN.

However, it is the sole responsibility of the Licensee to put in place and maintain robust procedures to ensure compliance with COSTA rules. Ofcom will continue to monitor the Licensee’s compliance with COSTA.

Breaches of Rule 4 of COSTA

Broadcast Licence Conditions cases

In Breach

Provision of information

Ramzan FM (Oldham)

Introduction

Ramzan FM was a radio station that operated under a Short Term Restricted Service Licence (“S-RSL”) in the Oldham area of Greater Manchester between 28 June and 29 July 2014. The licence for the service was held by an individual (“the Licensee”).

When assessing Ramzan FM’s output on 5 July 2014, Ofcom noted several appeals for listeners to donate money to a particular organisation. In order to verify compliance with the Code, Ofcom asked the Licensee to provide details of this organisation and confirmation of its charitable status.

However, the Licensee did not supply this information.

Ofcom considered the matter raised issues warranting investigation under Condition 9(1) of the Licensee’s S-RSL which states that:

“the Licensee shall furnish to Ofcom in such manner and at such times as Ofcom may reasonably require such documents, accounts, returns, estimates, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it”.

We therefore asked Licensee how it complied with Condition 9(1) in this case and to provide the information.

Response

The Licensee did not respond to Ofcom’s requests for its comments.

Decision

Ofcom has a duty to ensure that in each broadcaster’s licence there are conditions requiring that the licensee provides to Ofcom information which Ofcom requires to carry out its regulatory duties. This is reflected in Condition 9(1) of a S-RSL which requires licensees to provide documents, accounts, returns, estimates, reports, notices or other information as Ofcom may require for the purpose of exercising the functions assigned to it.

In this case, the Licensee failed to provide Ofcom with the requested information. Ofcom is therefore recording a breach of Condition 9(1).

This particular breach of Licence Condition 9(1) is significant because it impeded Ofcom’s ability to assess whether content broadcast on the station raised potential issues under the Code.

This breach will be held on record and may be taken into account should any future application for a licence to broadcast be received from the Licensee.

Breach of Licence Condition 9(1)

Fairness and Privacy cases

Not Upheld

Complaint by Ms M

Britain's Crime Capitals, Channel 5, 21 April 2014

Summary

Ofcom has not upheld this complaint by Ms M of unwarranted infringement of privacy in connection with the obtaining of material included in the programme and in the programme as broadcast.

This programme looked at the work of the West Midlands Police's Gang Task Force in tackling criminal gangs in Birmingham and included footage of a police raid on Ms M's house. Ms M was not named or identified in the programme, but her voice was heard.

Ofcom found that:

- Ms M had a legitimate expectation of privacy in relation to the obtaining of the material included in the programme, but that, on balance, the broadcaster's right to freedom of expression and the public interest in obtaining the material of Ms M outweighed her legitimate expectation of privacy.
- Ms M had a legitimate expectation of privacy in relation to the broadcast of the footage of her house and a recording of her voice, but that, on balance, the broadcaster's right to freedom of expression and the public interest in broadcasting the material in order to illustrate the work of the police outweighed her legitimate expectation of privacy.

Introduction and programme summary

On 21 April 2014, Channel 5 broadcast an episode of its documentary series *Britain's Crime Capitals*. This programme focused on gang culture in Birmingham.

The programme explained that there were two main gangs which operated in Birmingham, the Johnson Crew, which largely operated in the areas of Aston, Newtown and Lozells, and the Burger Bar Crew which operated in the Handsworth area.

Towards the end of the programme, the programme's narrator explained the work of the Gang Task Force, a "*specialist unit*" within West Midlands Police, which "*operate[s] rapid response raids to eliminate any imminent or violent threats*". The narrator's commentary was broadcast alongside footage of a briefing being given to police officers by Sergeant Whitehouse:

Narrator: *"At their city centre HQ, a response team has assembled after receiving intelligence on a suspected gang member [the complainant's son] in the city.*

Sgt Whitehouse: *The purpose of the operation tonight is to execute a search warrant under the Misuse of Drugs Act at the home address.*

The target of the operation this evening is 24 years of age. He's got previous for robbery, for violence offences. There is some intelligence in the system to suggest he's in possession of a large quantity of crack, cocaine and cannabis.

Narrator: *As well as drugs on the premises, the team suspects the target's affiliation with one of the most dangerous gangs in the city also offers a potential threat.*

Sgt Whitehouse: *He's linked to the Johnson Crew. I'll also say there is intelligence on him to suggest that historically he may be in possession of a firearm, OK? [He gestured to a computer screen, the contents of which were blurred.] That is the target premises today. I'm told it's a wooden door, those are glass panels within the door, left hinge, so suitable for a door enforcer. If you can do the side alleyway please, just in case anything gets discarded or anybody runs out the rear. Depending on how many people are in there, if I can ask everybody, if they need to be handcuffed they need to be handcuffed, that's down to your judgement, OK? We'll be going in overtly, with uniformed officers and ourselves, and it's all going to be rapid entry".*

The programme then showed the police officers arriving at a residential property in a van and forcing entry into the house. The exterior of the house was shown, including: images of the front of the house filmed from the middle distance; close-up images of various windows; and, a close-up image of the broken front door, with no house number visible. The programme also included a series of images of the interior of the house taken from outside, through the front door and the windows, which showed officers searching the property and Sergeant Whitehouse talking with a man and a woman (the complainant). The faces of the man and the woman were either off-screen or blurred throughout. However, their voices were heard undisguised. The woman, in particular, appeared distressed and her speech was, at times, unclear. The following dialogue was heard:

Sgt Whitehouse: *"Hello. You OK? You OK? You alright?"*

Woman: *What's going on?*

Male voice one: *Mum, Mum, here you are, Mum...*

Woman: *Fucking hell, they just rammed my door. I'll open the door!*

Narrator: *With the officers successfully inside, it's down to Sergeant Whitehouse to keep this volatile situation under control.*

Male voice two: *This is out of order.*

Sgt Whitehouse: *Just calm down, I'll explain to you what's happened, OK?*

Male voice two: *Not when we've got kids.*

Sgt Whitehouse: *OK, I understand that. And it isn't very nice, what's just happened, OK?*

- Male voice two: *No, it isn't.*
- Sgt Whitehouse: *If you all calm down and let me talk to you, I'll talk to you.*
- Male voice two: *OK.*
- Sgt Whitehouse: *OK? We're here to execute a search warrant under the Misuse of Drugs Act, under intelligence that we've received in our system, that there is drugs in this house. It's traumatic for the children, and I do apologise...*
- Woman: *Hold on, you've gone through my door, in front of my children...*
- Sgt Whitehouse: *I am trying to explain to you, as I'm going along, OK?*
- Woman: *I want to know if there's anything in my house. I'm going to get into trouble if there's anything in my house. If there's anything in my house, I want to know where it is.*
- Sgt Whitehouse: *Well, we can discuss that, if there is anything, can't we?*
- Narrator: *With the suspects under control, police are free to search the house. And it looks like their intelligence has been proved right".*

Following this sequence, Sergeant Whitehouse was shown in interview after the raid saying:

"We found what we believe to be a large quantity of Class B, and potentially some Class A drugs as well. From the premises we've arrested one individual who's now assisting us with inquiries".

The sequence concluded with footage of an individual, whose face was blurred, being led from the house to a car by officers. The exact location of where the raid took place was not disclosed in the programme, other than it was in Birmingham.

Summary of the complaint and the broadcaster's response

- a) Ms M complained that her privacy was unwarrantably infringed in connection with the obtaining of material included in the programme because she was unaware she was being recorded when police gained entry to her house. She stated that the subject of the programme was extremely sensitive.

Before responding specifically to the complaint, Channel 5 set out the case law which it considered relevant. Channel 5 submitted that Article 8 of the European Convention of Human Rights ("ECHR") does not protect public life or activities. In support of this position, Channel 5 referred to the judgment in Weller v Associated Newspapers Limited [2014] EWCH 1163 (QB)¹² and the Northern

¹² Channel 5 emphasised that in this case, Justice Dingemans noted in Kinloch v HM Advocate [2012] UKSC 62; [2013] 2 AC 93 that Lord Hope, in respect of whether a person subject to police surveillance in a public street had a legitimate expectation of privacy, stated that: "The criminal nature of what was being done, if that is what it was, was not an aspect of private life that the Appellant was entitled to keep private".

Ireland Queen's Bench judgment in *JR 38 for Judicial Review* [2013] NIQB 44¹³ and submitted that "the commission of a crime and any aftermath, is not an aspect of a person's life encompassed in the phrase "private and family life" and nor is it capable of attracting a reasonable expectation of privacy".

Further, Channel 5 said that "engagement in the criminal process cannot engage Article 8". Channel 5 submitted that *Weller*¹⁴ confirmed that there was a two stage test which assisted to identify where an activity would possibly be regarded as amounting to "private or family life". The broadcaster said that questions of public interest in connection with freedom of expression never arise until the issue of whether or not an individual has a reasonable expectation of privacy has been considered. Channel 5 said that it may be necessary to consider public interest when establishing whether a matter attracts a reasonable expectation of privacy. The broadcaster stated that "the fact that an action or activity is in itself contrary to the public good or the public interest may be a critical consideration in deciding that the action, activity or object does not attract a reasonable expectation of privacy".

Channel 5 stated that it was not relevant to the test of privacy whether a person would prefer that something is kept secret. Nor was it relevant whether an individual takes offence to the disclosure¹⁵. The broadcaster said that the important factor would be whether a reasonable person would consider the particular disclosure to be offensive.

Channel 5 also said that the commission of a crime was clearly contrary to the public interest and added that a criminal or suspected criminal would not rationally expect that the acts which they had carried out would be considered private. The broadcaster said that, in other words, a reasonable person "would not find disclosure of the details of their involvement in the commission of a crime to be offensive" and that such disclosure would be expected. Channel 5 said that it was not private nor was it information about family matters, rather it was information that the public is entitled to know about.

Channel 5 submitted that an individual can have no reasonable expectation of privacy in relation to reckless behaviour i.e. the commission of a crime, and the investigation and consequences of it. In support of this position, Channel 5 cited the case of *Rio Ferdinand v MGN Limited* [2011] EWHC 2454.

The broadcaster stated that there was no provision in English law which prohibited the filming of individuals investigated for criminal activities or individuals arrested and charged with criminal activities. In addition, there is nothing in the European Convention on Human Rights ("ECHR") or in any other relevant law which establishes a "right not to be on television". Further, Channel 5

¹³ Channel 5 in particular referred to the following statements by Lord Justice Higgins: "The criminal nature of his activities or his presence, (if that is what they are), are not aspects of his life which he is entitled to keep private. Such activities would never be an aspect of private life for the purposes of Article 8. In my view a criminal act is far removed from the values which Article 8 was designed to protect, rather the contrary".

¹⁴ Channel 5 referred to the judgment in *Rocknroll v News Group Newspapers Ltd* 2013 EWHC 24 (Ch) in which Justice Briggs summarised the current state of privacy law.

¹⁵ In support of this, Channel 5 cited *Campbell v MGN Ltd* [2004] UKHL 22; [2004] 2 AC 457

said that broadcasters must be given the freedom to broadcast information to the public about crime and the consequences of crime¹⁶.

In response to the complaint in general, Channel 5 stated that the programme was underpinned by a clear public interest in showing the consequences of gang crime and the ways in which such conduct “may impact adversely on society, members of the public, members of the police force and the life of the person making the relevant decision”.

Channel 5 also provided background information on the circumstances in which the filming of the police raid at the complainant’s property happened. Channel 5 explained that the programme makers had attended a briefing at the police station and then travelled with the Gang Task Force to Ms M’s house. In accordance with police instructions, the programme makers did not enter the property and, instead, filmed the police executing the search warrant from outside the property. Channel 5 added that a police officer was wearing a microphone “so that it was possible to hear what he said and how he explained to the occupants of the property what was happening”. The broadcaster said that it was not “practical or advisable” for the programme makers to enter the property and inform Ms M and the other occupants that they were filming for a Channel 5 programme. It also said that apart from the man who was arrested and filmed being escorted from the property to an awaiting police car, none of the other occupants are likely to have been aware of the filming or the nature or purpose of the filming.

In responding specifically to head a) of the complaint, Channel 5 disputed that the fact that Ms M was unaware she was being filmed and recorded when police gained entry to her house had any bearing on whether or not she had a legitimate expectation of privacy in the particular circumstances in which the material was obtained. It said that filming and recording an individual without their knowledge could not be said to create a legitimate expectation of privacy where there was none before, which was the implication of Ms M’s complaint.

Channel 5 accepted that, in general, individuals have a legitimate expectation of privacy when in their own homes. However, Channel 5 argued that in circumstances where potential criminal activity was taking place at a property, there was no longer any such legitimate expectation of privacy. In its view, the right to a private and family life, protected by Article 8 of the ECHR, does not extend to the commission of a crime and its aftermath. Channel 5 cited a number of examples drawn from case law to support this contention (as noted above). Further, Channel 5 argued that Article 8 allowed for legitimate interference with a legitimate expectation of privacy for a number of reasons, including for the prevention of crime and disorder. Therefore, Channel 5 said that any legitimate expectation of privacy which Ms M may have had would have been overridden by the search warrant the police were executing, at least from the point when Ms M was made aware of it.

Channel 5 emphasised that the police activity at Ms M’s property attracted significant attention locally. It claimed that the fact of the raid, the seizure of items, and the arrest of the complainant’s son would likely have been public knowledge in the local area and could not be considered private to Ms M.

¹⁶ Channel 5 referred to the statement made by Lord Hoffman in *Campbell*, in respect of the freedom which media outlets should be given regarding how stories are told or presented to the public, that: “Judges are not newspaper editors”.

Channel 5 argued that, even if Ofcom considered that Ms M did have a legitimate expectation of privacy in these circumstances, in Channel 5's view the infringement of that legitimate expectation of privacy was warranted. This was because of the public interest in a programme showing the work of the police and, specifically, the work of the Gang Task Force attempting to tackle the problem of gang violence in Birmingham. Further, Channel 5 stated that it would be unreasonable to expect programme makers to make finely balanced judgements weighing the right to privacy against the right to freedom of expression at the point of filming. To do so would, according to Channel 5, represent a disproportionate interference with broadcasters' rights to freedom of expression. Instead, Channel 5 argued that the broadcaster should take steps to ensure that the broadcast of material obtained in such circumstances does not result in an unwarranted infringement of privacy in the programme as broadcast. Channel 5 emphasised that it had taken such steps in preparing the material obtained during the police raid at Ms M's home.

- b) Ms M also complained that her privacy was unwarrantably infringed in the programme as broadcast because the programme broadcast footage of her house and a recording of her voice without her knowledge or consent. She stated that by portraying her house as the home of a suspected gang member the programme had endangered her life and the lives of her sons.

In response, Channel 5 apologised to Ms M if the programme had in any way endangered the lives of her sons or made her feel that her life was at risk. It stated that it had taken considerable care to ensure that individuals and locations were anonymised in the programme as broadcast. In addition, it said that the police were given an opportunity to review the programme before broadcast in order to highlight any risk issues, and did not do so in relation to Ms M.

For the reasons set out in its response to head a) above, Channel 5 stated that Ms M did not have a legitimate expectation of privacy in the circumstances, because any such legitimate expectation was overridden by the potential criminal activity taking place at the property, and further because the police raid constituted legitimate interference with her privacy for the purpose of preventing crime and disorder.

However, in the event that Ofcom considered Ms M did have some legitimate expectation of privacy, Channel 5 maintained that the programme as broadcast did not infringe Ms M's privacy due to the steps it took to obscure the location of the property and the identity of the inhabitants. These steps, in relation to the property, included not showing a house number, street name or any identification of the route taken by the police on their way to the property. In relation to the inhabitants of the property (including Ms M), Channel 5 emphasised that their faces were blurred whenever they appeared, and any footage included was brief. In addition, the audio used was limited to snatches of indistinct conversation. Therefore, Channel 5 argued that Ms M would not have been identifiable from the programme as broadcast, except perhaps to people who already knew her very well or who were already aware of the police raid at her property. Channel 5 again stated that in its view it was likely that this event would have been known about and discussed in the local area irrespective of the broadcast.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View in this case that the complaint of unwarranted infringement of privacy in connection with the obtaining of material included in the programme and in the programme as broadcast should not be upheld.

Both parties were given the opportunity to comment on the Preliminary View. Both made representations and the relevant points in relation to the Preliminary View are summarised below.

Ms M's representations

Ms M said that she was disappointed with the Preliminary View on her complaint in that it seemed that the public interest in the subject of the programme outweighed her expectation of privacy. She added that she was "shocked" that the programme broadcast was "all about gangs". Ms M said that she would have understood the public interest argument if her son was a gang member or was a suspected gang member or there was clear evidence to support this. However she said that this was not the case. Ms M said that if the public interest in showing such a programme was in relation to gang culture and gangs then she believed that there was no evidence that her home was that of a gang member. Ms M said that the drugs found at the property were not connected with gang related crime or her son, but rather with an extended family member who was charged and convicted for possession of cannabis for personal use.

Channel 5's representations

In response to the Preliminary View, Channel 5 considered that Ofcom had "misdirected itself" in relation to whether there had been an infringement of privacy. Channel 5 said that it appeared from the Preliminary View that Ofcom's first consideration was whether the filming of broadcast of footage creates an expectation of privacy. Channel 5 reiterated that the filming and broadcast of footage "cannot create an expectation of privacy where such an expectation did not already exist".

Channel 5 also said that it understood from the Preliminary View that Ofcom considered that if a person is in a "sensitive situation" then they would automatically have a legitimate expectation of privacy. Channel 5 said it did not agree with this view.

The broadcaster also said that where there is no "ambiguity" in a complaint, it was not for Ofcom to interpret Ms M's complaint as being that the infringement of Ms M's privacy had been "exacerbated" because she was unaware her house was being filmed and her voice recorded. Further, Channel 5 said that whether or not Ms M was aware that she was being recorded would not have a bearing on whether or not she had a legitimate expectation of privacy. Channel 5 argued that Ms M either did or did not have a legitimate expectation of privacy in the circumstances.

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 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, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript and both parties' written submissions and supporting material. We also took into account both parties' relevant representations in response to Ofcom's Preliminary View on this complaint (which was to not uphold).

In Ofcom's view, the individual's right to privacy has to be balanced against the competing rights of the broadcaster to freedom of expression. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to intensely focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate. This is reflected in how Ofcom applies Rule 8.1 which states that any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

- a) Ofcom considered Ms M's complaint that her privacy was unwarrantably infringed in connection with the obtaining of material included in the programme, because she was unaware she was being recorded when police gained entry to her house.

In assessing this head of Ms M's complaint, Ofcom had particular regard to Practice 8.5 which states that any infringement of privacy in the making of a programme should be with the person's and/or organisation's consent or be otherwise warranted. Ofcom also had regard to Practice 8.9 which states that the means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the programme.

We reviewed the edited footage that was broadcast in the programme¹⁷ and noted that the programme makers had filmed the front exterior of Ms M's house, as well as the police entering and exiting Ms M's property and searching it. This footage was filmed from the vantage point of Ms M's front garden; it does not appear that the film crew entered the house themselves. The footage taken of Ms M's open front door and the window at the front of her house showed images of fixtures and fittings, wallpaper, candles and the backs of photo frames. In addition, a computer with a Facebook page could be seen (although it was not possible to identify anyone from this) and images of several windows which faced the street were also filmed. Ms M's voice was also recorded by the microphone that was worn by one of the police officers involved in the raid.

In considering whether or not Ms M's privacy was unwarrantably infringed in connection with the obtaining of material included in the programme, Ofcom first considered the extent to which Ms M had a legitimate expectation of privacy in the particular circumstances in which the material included in the programme was obtained.

¹⁷ It was not necessary to consider the unedited footage in this case, as Ms M's complaint appeared to refer only to the obtaining of the footage that was subsequently broadcast.

Ofcom considered Channel 5's analysis of the case law in response to Ms M's complaint as summarised above. As noted in earlier fairness and privacy decisions¹⁸, Ofcom does not agree that Article 8 rights can never be engaged when a person interacts with the police in relation to a police investigation into unlawful activity, for example, during an arrest or a search. Ofcom does not consider that the case law which Channel 5 relies upon¹⁹ supports such an inflexible approach to the determination of whether an individual has a legitimate expectation of privacy in the broadcast of footage relating to such circumstances.

Ofcom had regard to Channel 5's comments in response to the Preliminary View that, in Channel 5's view, it appeared that Ofcom had considered the question of whether the filming or broadcast itself gives rise to, or creates, an expectation of privacy, and Channel 5's assertion that filming or broadcast of footage cannot create an expectation of privacy where it did not already exist.

Ofcom considers that the test as to whether a legitimate expectation of privacy arises is objective: it is fact sensitive and must always be judged in light of the circumstances in which the individual concerned finds him or herself. Ofcom will consider whether a legitimate expectation of privacy arises in connection with the obtaining of material included in a programme or the broadcast of a programme, in light of all the relevant circumstances in which the individual concerned is filmed and what footage and information was subsequently broadcast. Ofcom will therefore continue to approach each case on its facts. Ofcom's view regarding the fact sensitive nature of this assessment is consistent with recent case law.²⁰

We also did not agree with Channel 5's claim that Ms M being unaware that she was being recorded had no bearing on whether she had a legitimate expectation of privacy in the circumstances. We had regard to Channel 5's representations in which they said that Ofcom should not interpret Ms M's complaint as being that the infringement of her privacy "was exacerbated" by the fact that she had been

¹⁸ See Complaint by Miss C, *Criminals: Caught on Camera*, Channel 5, 18 October 2013, <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb252/obb252.pdf> and Complaint by Miss Jodie Musgrave, *Police Interceptors*, Channel 5, 23 September 2013 <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb259/obb259.pdf> and Complaint by Mr D, *Police Interceptors*, Channel 5, 14 February 2014 <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb2641/obb265.pdf> and Complaint by Mr Oliver Smith, *Police Interceptors*, Channel 5, 10 March 2014 <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb2671/obb268.pdf>

¹⁹ Including *Kinloch* and *Rio Ferdinand v MGN Limited* (as mentioned above).

²⁰ For example, in *Hannon v News Group Newspapers Ltd* [2014] EWHC 1580 (Ch), Mr Justice Mann noted that the question of whether privacy rights exist in relation to the fact of an arrest and its circumstances and whether the press have a right to publish such information "is a question of fact and degree, and is highly fact sensitive" (paragraph 96).

Ofcom's view is also consistent with the leading judgment in *Re JR38 for Judicial Review* [2013] NIQB 44, a case which cites the statement in *Kinloch* on which Channel 5 seeks to rely. See the judgment of Morgan LCJ at paragraph 28 at which he notes: "I accept that the determination of whether the retention and use of photographs constitutes an interference with Article 8 requires a fact specific consideration in every case". Morgan LCJ found at paragraph 30 that this was a case in which the claimant's Art. 8 rights are engaged in connection with the publication of a photograph of a child by the police indicating he was wanted for interview in connection with involvement in potential criminal activity.

unaware of being filmed. In our view, Ms M's complaint was that the alleged infringement of her privacy was connected with the fact that she was unaware her house was being filmed and her voice recorded when the police entered her house and that the filming, and the subsequent broadcast of the footage, was done without her consent. She also complained that the circumstances in which she was filmed were very sensitive. The question of whether or not Ms M had a legitimate expectation of privacy in these circumstances is therefore still relevant.

We first considered whether Ms M had a legitimate expectation of privacy in relation to the filming of her house. Ofcom recognises that there may be a legitimate expectation of privacy in connection with the filming and subsequent broadcast of footage of an individual's home. In particular, Ofcom considered that the filming of an unannounced police raid in which force is used to gain access to a house and the subsequent search of that house in relation to possible drug offences could reasonably be regarded as filming that person in a sensitive situation. We also considered that the filming captured footage of Ms M's private home where she would not ordinarily expect to be filmed. We noted too that the filming not only recorded what was going on outside of the property, but also what was happening within. In these circumstances, therefore, Ofcom considered that Ms M had a legitimate expectation of privacy in relation to the obtaining of the footage of her and her house.

We next considered whether Ms M had a legitimate expectation of privacy in relation to her voice being recorded. Ofcom considered that recording an individual during an unannounced police raid at their home in which a family member is subsequently arrested for a criminal offence (in this case, on suspicion of drug related offences), may reasonably be regarded as recording a person in a sensitive situation. This is because if a house is being raided by the police where one or more of the people who live in that home are not aware of any potential criminality at the house, that person may be feeling unsettled and/or under pressure. In the particular circumstances of this case, the police informed Ms M that they were going to search the property because they had received intelligence that there were drugs in the house. Ms M's reaction to the presence of the police was recorded and it was clear that she was distressed at the time she was recorded. We did not agree with Channel 5's view that, in circumstances in which the police were investigating potential criminal activity at the property under a search warrant, any legitimate expectation of privacy that Ms M may have was automatically overridden. In this case, it appeared that Ms M was neither aware of nor involved in the alleged criminal activity taking place at her house.

Therefore, we considered that Ms M was filmed in a sensitive situation and that in the particular circumstances she had a legitimate expectation of privacy in relation to the obtaining of the recording of her voice.

Having found that Ms M had a legitimate expectation of privacy in both the filming of the search of her house and the recording of her voice, Ofcom considered whether the programme makers had secured her consent to obtain this material. It was not disputed by the broadcaster that it had not sought Ms M's consent.

Given that Ms M had, in our view, a legitimate expectation of privacy in relation to the obtaining of the material of her and her house, Ofcom then considered, whether this infringement of privacy was warranted and whether the means of obtaining the material were proportionate in all the circumstances and, in particular, to the subject matter of the programme. In so doing, we assessed the

broadcaster's competing right to freedom of expression and the audience's right to receive information and ideas without unnecessary interference.

The Code states that "warranted" has a particular meaning. It means that, where broadcasters wish to justify an infringement of privacy as warranted, they should be able to demonstrate why, in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest could include revealing or detecting crime, protecting public health or safety, exposing misleading claims by individuals or organisations or disclosing incompetence that affects the public.

Ofcom considered that there was a genuine public interest in the making of this programme, in that its purpose was to explore the work of a specialist police unit with the aim of conveying to viewers an understanding of the work they do in tackling and trying to eradicate the problems of inner city gang related crime. In our view, allowing the programme makers to record the footage of the police gaining access to Ms M's home and Ms M's reaction to the unannounced visit was important to this end. This is because it enabled the broadcaster to use an actual example to illustrate the public work the police undertake and the potential challenges they faced.

In assessing whether the means of obtaining the material was proportionate in the circumstances, Ofcom noted the manner in which the material was obtained (as set out in the "Introduction and programme summary" section above). It appeared to Ofcom that the filming of Ms M's house and recording of her voice was unobtrusive – in particular, Ms M's voice was recorded using a police microphone and the programme makers did not enter Ms M's house, filming the raid instead from her front garden (which, although considered private, is accessible to the public). Further, the filming did not result in the obtaining of any further personal information about Ms M beyond the footage and recording itself.

We also considered whether the material obtained was relevant to the subject matter of the programme. We took the view that because this particular section of the programme was about a police raid on a property and the potential challenges this posed for the police, the filming of the house and recording of Ms M's voice in the circumstances were relevant in demonstrating how such raids were planned and executed by the police, and the difficulties they can face in dealing with the occupants of the property being searched. Further, in the circumstances of this case, we did not consider that the programme makers were in a position to obtain Ms M's prior consent to recording her voice or filming her house and there was a public interest in recording her or her house without her prior consent. We had regard to Ms M's representations that there was no evidence to suggest her son was a gang member or suspected gang member. However, we took the view that it would be a disproportionate restriction on programme makers' freedom of expression if they were unduly constrained from recording individuals or filming their houses in circumstances such as those in which Ms M appeared, i.e. where they are unable to obtain consent from an individual prior to the recording and/or filming taking place (for instance, when an unannounced police raid is taking place). In these circumstances, however, it is important that the subsequent broadcast of any material recorded and/or filmed without consent does not result in an unwarranted infringement of privacy.

Given the above, Ofcom considered that any infringement of Ms M's legitimate expectation of privacy in the obtaining of the material was warranted in the

circumstances and we were satisfied that the means of obtaining the material was appropriate and proportionate and relevant to the subject matter of the programme.

Taking all the factors above into account, Ofcom considered that, on balance, the broadcaster's right to freedom of expression and the public interest in obtaining the material of Ms M outweighed her legitimate expectation of privacy in the circumstances of this case.

Ofcom found that there was no unwarranted infringement of Ms M's privacy in connection with the obtaining of material included in the programme.

- b) Ofcom considered Ms M's complaint that her privacy was unwarrantably infringed in the programme as broadcast because the programme broadcast footage of her house and a recording of her voice without her knowledge or consent.

In assessing this head of Ms M's complaint, Ofcom had particular regard to Practice 8.6 of the Code. This states that, if the broadcast of a programme would infringe the privacy of a person, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted. We also had regard to Practice 8.2 which states that information which discloses the location of a person's home should not be revealed without permission, unless it is warranted.

In considering whether or not Ms M's privacy was unwarrantably infringed in the programme as broadcast, Ofcom first considered the extent to which she had a legitimate expectation of privacy in relation to the footage of her house shown and a recording of her voice included in the programme without her knowledge or consent.

As set out in the "Introduction and programme summary" section above, Ofcom noted that the programme included footage of the exterior and interior of Ms M's house. A recording of Ms M's voice, which detailed her reaction to the police raid, was also included in the programme.

The test applied by Ofcom as to whether a legitimate expectation of privacy arises is objective: it is fact sensitive and must always be judged in light of the circumstances in which the individual concerned finds him or herself.

We first considered whether Ms M had a legitimate expectation of privacy in relation to footage of her house which was broadcast in the programme. As noted above, Ofcom takes the view that there may be a legitimate expectation of privacy in connection with the filming and subsequent broadcast of footage of an individual's home. In particular, Ofcom considers that the inclusion of footage of a police search of a property could reasonably be regarded as footage showing someone in a sensitive situation (for the reasons given in head a) above).

We noted that Channel 5 had said that the programme makers had taken steps to ensure that neither Ms M nor where she lived could be identified. In this regard, we noted that neither Ms M nor her family were named in the programme as broadcast and the footage of their faces, where shown, was blurred. We also noted that the programme did not disclose Ms M's full address or reveal any information which could make her home address easily identifiable, for example, the road name or the house number. We also noted that the footage broadcast showed footage of the inside of her home too, which we consider to be a private

place, although we recognised that the footage did not show any particular distinguishing features that would have rendered Ms M's property readily identifiable to viewers.

However, as noted in head a) above, we considered that Ms M was filmed in a sensitive situation, namely, in the context of an unannounced police raid in which force is used to gain access to a house and the subsequent search of that house. We therefore considered that the broadcast of that footage showed Ms M when she was in a sensitive situation. We also considered that the programme included footage of Ms M's private home, both what was occurring outside the property and also what was going on within. Further, Ofcom considered it likely that viewers would have known from the information given in the programme that Ms M's property was in Birmingham and may have inferred, from the discussion earlier in the programme about the geographical areas associated with certain gangs, that her house was located within a particular area in Birmingham i.e. the area associated with the Johnson Crew.

On balance, therefore, we considered that Ms M did have a legitimate expectation of privacy in relation to the broadcast of footage of her house because of the context in which it was shown, namely the police search of her house, which we considered was a sensitive situation.

We next assessed whether Ms M had a legitimate expectation of privacy in relation to the broadcast of her voice in the programme.

As also already explained in head a) above, Ofcom recognised that where an individual has been subjected to an unannounced police raid on their property, that individual may have a legitimate expectation of privacy in those circumstances. In the circumstances of this case, we considered that Ms M had been recorded in a sensitive situation i.e. the police search of the house, during which Ms M was informed that there may be drugs in her house. The programme also broadcast Ms M's reaction to the police raid and we considered that it was a situation in which an individual may expect some degree of privacy.

In considering whether Ms M had a legitimate expectation of privacy in relation to the broadcast we also assessed whether Ms M was identifiable in the programme as broadcast. We noted that Channel 5 had said the programme makers had taken steps to ensure that Ms M could not be identified from the footage broadcast. Further, we noted that Ms M was not named in the programme and that her face, where shown, was blurred throughout. Footage of the exterior and interior of the house were also included in the programme and we noted that Ms M's voice was heard in the programme and was undisguised. Therefore, in our view, it was possible that the broadcast of Ms M's undistorted voice, along with the obscured footage of her and her property, may have been sufficient when considered together to render Ms M identifiable, albeit to a limited number of individuals who already knew her or recognised the area from the footage of the house and limited information given about the area in the programme. We therefore considered that, to the extent she was identifiable in the programme, it was only to a limited degree.

As noted in relation to head a) above, Ofcom did not accept Channel 5's argument that any legitimate expectation of privacy Ms M might have had in these circumstances was overridden by the potential criminal activity taking place at her property or the fact that the police were executing a search warrant.

Therefore, overall and on balance, we considered that Ms M did have a legitimate expectation of privacy in the relation to the broadcast of the recording of her voice, because it showed her in a sensitive situation in the circumstances, namely the police search of her house, and it is possible that it may have made her identifiable to a limited number of individuals who already knew her or recognised the area from the footage broadcast. However, the footage of Ms M which was included in the programme was not the focus of the programme, was very brief and was largely used as an illustrative device to show the varied and demanding work of the police. Therefore we considered that these factors meant that any infringement of Ms M's privacy by the broadcast of the footage was limited.

We then assessed whether Ms M's consent had been secured before the footage was broadcast. As with head a) above, it was not disputed that the broadcaster had not obtained Ms M's consent before broadcasting the footage.

Given that Ms M had a legitimate expectation of privacy in relation to the broadcast of the footage of her house and the recording of her voice, and this was broadcast without her consent, it was necessary to establish whether or not the limited infringement of her privacy was warranted. In determining whether or not the infringement into Ms M's privacy was warranted in the circumstances, we assessed the broadcaster's competing right to freedom of expression and viewers' right to receive information against the intrusion into Ms M's right to privacy by including footage of Ms M in a sensitive situation in her private home, from which she may have been identifiable, and without her consent. In particular, we considered whether there was sufficient public interest or other reason to justify the limited infringement of Ms M's privacy in broadcasting this footage.

We acknowledged Ms M's claim that the inclusion of the relevant footage in the programme as broadcast had put her family at risk and took into account Channel 5's apology to her and assertion that it was not clear whether this was as a consequence of the programme or the public raid on her property. We also considered it significant to note the steps Channel 5 took in deciding to include the footage. In particular, we noted that the programme makers gave the police the opportunity to review the programme for factual inaccuracy and risk issues, including risk to themselves and other individuals featured. Channel 5 said that had concerns been raised, the programme makers would have reviewed the content of the programme accordingly. However, Channel 5 said that no concerns about risk were raised by the police in relation to the story involving Ms M and her family. Therefore, in view of the limited use of her voice and footage of her house as broadcast in the programme, we considered that the steps that Channel 5 took to anonymise the footage and minimise the risk of harm as a result of the broadcast, including obscuring her face, when shown, and consulting the police, were reasonable in all the circumstances.

We took into account Ms M's representation that there was no evidence to suggest that her son was a gang member or suspected gang member and therefore there was no public interest justification for broadcasting the footage of her in a programme of this nature. We also had regard to Channel 5's response in which it said that broadcasters must be given the freedom to broadcast information to the public about crime and the consequences of crime, and argued that it considered that the inclusion of the audio of Ms M and the footage of her property was a necessary and effective part of the story in this case.

We considered that there was a significant public interest in programmes showing the work of the police, and the work of a specialist police unit tackling inner city

gang related crime. In this particular case, the public interest was to illustrate the actions of the police in attempting to prevent crime and disorder by carrying out a police operation i.e. the raid on Ms M's home, following intelligence that there were drugs present at that home. Further, we understand that during the police search, drugs were found at the property, although we noted that Ms M said in her response that these were not connected with gang related crime or her son, but rather with an extended family member who was charged and convicted for possession of cannabis for personal use. Taking these factors into consideration, we considered that the broadcaster's right to freedom of expression and the public interest in broadcasting the relevant material in order to illustrate the work of the police, outweighed Ms M's legitimate expectation of privacy in this case, in particular given that to the extent that she was identifiable in the programme, it was only to a limited extent, and therefore any intrusion into Ms M's privacy was limited.

Ofcom found that there was no unwarranted infringement of Ms M's privacy in the programme as broadcast.

Therefore, Ofcom has not upheld Ms M's complaint of unwarranted infringement of privacy in connection with the obtaining of material in and in the programme as broadcast.

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 7 and 20 April 2015 and decided that the broadcaster did not breach Ofcom's codes, licence conditions or other regulatory requirements.

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

Programme	Broadcaster	Transmission date	Categories
The Gypsy Matchmaker	Channel 4	3 September 2014	Under 18s in programmes
Boogie In the Morning	Forth One	22 December 2014	Under 18s in programmes
Advertisements	Samaa	9 February 2015	Advertising minutage

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

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

Licensee	Licensed service	Categories
Angel Radio	Angel Radio Limited	Key Commitments
Brit Asia TV	Britasia TV Limited	Provision of recordings

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

Complaints Assessed, Not Investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 7 and 20 April 2015 because they did not raise issues warranting investigation.

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

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

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

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
All4.com (trailer)	4OD	17/03/2015	Outside of remit / other	1
NCIS	5USA	27/03/2015	Scheduling	1
4 Play: Sex Tips 4 Girls	Africa Channel	08/03/2015	Generally accepted standards	1
BBC Election Debate 2015	BBC 1	16/04/2015	Elections/Referendums	81
BBC Election Debate 2015: The Reaction	BBC 1	16/04/2015	Elections/Referendums	3
BBC News	BBC 1	04/04/2015	Outside of remit / other	1
BBC News	BBC 1	08/04/2015	Due accuracy	1
BBC News at One	BBC 1	18/03/2015	Religious/Beliefs discrimination/offence	1
BBC News at One	BBC 1	27/03/2015	Disability discrimination/offence	1
BBC News at Six	BBC 1	27/03/2015	Generally accepted standards	2
BBC News at Six	BBC 1	08/04/2015	Scheduling	1
BBC News at Ten	BBC 1	27/03/2015	Disability discrimination/offence	1
BBC News at Ten	BBC 1	27/03/2015	Generally accepted standards	5
Comic Relief – Face the Funny	BBC 1	13/03/2015	Age discrimination/offence	1
Comic Relief – Face the Funny	BBC 1	13/03/2015	Drugs, smoking, solvents or alcohol	5
Comic Relief – Face the Funny	BBC 1	13/03/2015	Generally accepted standards	9
Comic Relief – Face the Funny	BBC 1	13/03/2015	Race discrimination/offence	5
Comic Relief – Face the Funny	BBC 1	13/03/2015	Suicide and self-harm	1
Comic Relief – Face the Funny	BBC 1	13/03/2015	Under 18s in programmes	2
EastEnders	BBC 1	10/03/2015	Violence and dangerous behaviour	1
EastEnders	BBC 1	02/04/2015	Generally accepted standards	1
EastEnders	BBC 1	03/04/2015	Product placement	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
EastEnders	BBC 1	06/04/2015	Generally accepted standards	1
EastEnders	BBC 1	10/04/2015	Outside of remit / other	1
EastEnders	BBC 1	13/04/2015	Materially misleading	1
Have I Got News for You	BBC 1	10/04/2015	Elections/Referendums	1
Holby City	BBC 1	14/04/2015	Generally accepted standards	1
Look North	BBC 1	03/03/2015	Fairness	1
Party Election Broadcast by the Labour Party	BBC 1	16/04/2015	Offensive language	1
Party Election Broadcast by the Labour Party	BBC 1	31/03/2015	Offensive language	8
Poldark	BBC 1	29/03/2015	Gender discrimination/offence	1
Question Time	BBC 1	26/03/2015	Generally accepted standards	1
Question Time	BBC 1	16/04/2015	Outside of remit / other	1
Regional News and Weather	BBC 1	09/04/2015	Privacy	1
Regional News and Weather	BBC 1	14/04/2015	Elections/Referendums	1
Regional News and Weather	BBC 1	16/04/2015	Due accuracy	1
Rise of the Guardians	BBC 1	04/04/2015	Outside of remit / other	1
Sunday Politics	BBC 1	19/04/2015	Elections/Referendums	1
The Andrew Marr Show	BBC 1	19/04/2015	Elections/Referendums	2
The Billion Dollar Chicken Shop	BBC 1	25/03/2015	Outside of remit / other	1
The One Show	BBC 1	09/03/2015	Religious/Beliefs discrimination/offence	1
The People's Strictly for Comic Relief	BBC 1	04/03/2015	Disability discrimination/offence	1
The Sheriffs are Coming	BBC 1	03/04/2015	Outside of remit / other	1
The Voice UK	BBC 1	04/04/2015	Voting	1
BBC News	BBC 1 / BBC News Channel	n/a	Disability discrimination/offence	1
Programming	BBC 1 / ITV	16/04/2015	Outside of remit / other	1
Comic Relief – The Best Bits	BBC 2	15/03/2015	Race discrimination/offence	1
Gardeners' World	BBC 2	29/03/2015	Violence and dangerous behaviour	1
Newsnight	BBC 2	25/03/2015	Generally accepted standards	1
Newsnight	BBC 2	30/03/2015	Elections/Referendums	1
Question Time	BBC 2	30/04/2015	Outside of remit / other	1
The Fall	BBC 2	n/a	Violence and dangerous behaviour	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The World at War	BBC 2	23/02/2015	Violence and dangerous behaviour	1
Beaten by My Boyfriend	BBC 3	25/03/2015	Gender discrimination/offence	2
Russell Howard's Good News	BBC 3	23/03/2015	Disability discrimination/offence	1
Top Gear	BBC 3	04/04/2015	Outside of remit / other	1
BBC News	BBC News Channel	01/04/2015	Outside of remit / other	1
BBC News	BBC News Channel	n/a	Race discrimination/offence	1
Newsbeat	BBC Radio 1	15/01/2015	Race discrimination/offence	1
Pete Tong	BBC Radio 1	03/04/2015	Race discrimination/offence	1
The Charlie Sloss Rap Show	BBC Radio 1	04/04/2015	Race discrimination/offence	1
The Radio 1 Breakfast Show with Nick Grimshaw	BBC Radio 1	10/03/2015	Scheduling	1
BBC News	BBC Radio 2	31/03/2015	Due impartiality/bias	1
Jeremy Vine	BBC Radio 2	15/04/2015	Violence and dangerous behaviour	1
Jeremy Vine	BBC Radio 2	27/03/2015	Disability discrimination/offence	2
BBC News	BBC Radio 4	27/03/2015	Disability discrimination/offence	1
PM	BBC Radio 4	11/03/2015	Race discrimination/offence	1
The Archers Omnibus	BBC Radio 4	22/03/2015	Offensive language	2
World at One	BBC Radio 4	15/04/2015	Elections/Referendums	1
5 Live Drive	BBC Radio 5 Live	04/03/2015	Sexual orientation discrimination/offence	1
Initiative for Peaceful Elections advertisement	BEN TV	11/02/2015	Crime	1
Black Girls Rock 2015	BETBlackEntTv	12/04/2015	Race discrimination/offence	1
Mr Bean	Boomerang	08/03/2015	Disability discrimination/offence	1
UFC	BT Sport 1	18/01/2015	Violence and dangerous behaviour	1
Extreme Fishing	BT Sport 2	25/03/2015	Animal welfare	1
Programme link	CBBC	18/03/2015	Race discrimination/offence	1
MacGyver	CBS Action	24/03/2015	Scheduling	1
All4.com (trailer)	Channel 4	11/04/2015	Scheduling	1
All4.com (trailer)	Channel 4	12/04/2015	Scheduling	3
All4.com (trailer)	Channel 4	n/a	Generally accepted standards	1
Britain's Benefit Tenants	Channel 4	16/03/2015	Animal welfare	12
Britain's Benefit Tenants	Channel 4	19/03/2015	Animal welfare	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Britain's Benefit Tenants	Channel 4	23/03/2015	Generally accepted standards	1
Britain's Benefit Tenants	Channel 4	23/03/2015	Materially misleading	1
Burger Bar to Gourmet Star	Channel 4	31/03/2015	Offensive language	6
Catastrophe	Channel 4	16/02/2015	Race discrimination/offence	1
Channel 4 News	Channel 4	16/03/2015	Due impartiality/bias	1
Cucumber	Channel 4	05/02/2015	Generally accepted standards	1
End of the World Night (trailer)	Channel 4	01/04/2015	Scheduling	1
First Dates	Channel 4	18/03/2015	Offensive language	1
Gogglebox	Channel 4	03/04/2015	Elections/Referendums	1
Gogglebox	Channel 4	10/04/2015	Elections/Referendums	1
Grand National 2015	Channel 4	11/04/2015	Animal welfare	1
Kevin McCloud's Man Made Home	Channel 4	24/03/2015	Offensive language	1
Mitsubishi's sponsorship of documentaries on 4	Channel 4	13/04/2015	Generally accepted standards	1
One Born Every Minute	Channel 4	07/04/2015	Gender discrimination/offence	1
Party Election Broadcast by the Green Party	Channel 4	09/04/2015	Race discrimination/offence	1
Richard III: The Return of the King	Channel 4	22/03/2015	Generally accepted standards	3
Supercars	Channel 4	08/04/2015	Offensive language	1
The Crabbie's Grand National Festival (trailer)	Channel 4	29/03/2015	Race discrimination/offence	1
The Island with Bear Grylls	Channel 4	08/04/2015	Gender discrimination/offence	1
The Island with Bear Grylls	Channel 4	08/04/2015	Offensive language	7
The Island with Bear Grylls	Channel 4	16/04/2015	Outside of remit / other	1
The Island with Bear Grylls (trailer)	Channel 4	n/a	Animal welfare	1
The Simpsons	Channel 4	03/04/2015	Religious/Beliefs discrimination/offence	1
The Simpsons	Channel 4	07/04/2015	Outside of remit / other	1
The Supervet	Channel 4	02/04/2015	Offensive language	2
Things We Won't Say About Race That are True	Channel 4	19/03/2015	Race discrimination/offence	1
Things We Won't Say About Race That are True	Channel 4	19/03/2015	Under 18s - Coverage of sexual and other offences	2
Unreported World: America's Cowboy Kids (trailer)	Channel 4	01/04/2015	Animal welfare	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Weekend Kitchen	Channel 4	12/07/2014	Advertising/editorial distinction	1
10,000 BC	Channel 5	02/03/2015	Generally accepted standards	21
Access	Channel 5	04/04/2015	Offensive language	1
Advertisement	Channel 5	03/04/2015	Outside of remit / other	1
Advertisement	Channel 5	13/04/2015	Outside of remit / other	1
Advertisement	Channel 5	20/04/2015	Outside of remit / other	1
Assumed Killer	Channel 5	16/03/2015	Scheduling	1
Dangerous Dog Owners and Proud	Channel 5	08/04/2015	Animal welfare Generally accepted standards	15
Do You Know Me	Channel 5	27/02/2015	Offensive language	1
Ghost Rider	Channel 5	01/03/2015	Scheduling	1
OAPs Behaving Badly	Channel 5	01/04/2015	Outside of remit / other	1
Peppa Pig	Channel 5	26/03/2015	Advertising scheduling	1
Rome: The World's First Superpower	Channel 5	24/10/2014	Materially misleading	1
The Gadget Show	Channel 5	02/03/2015	Crime	1
The Hotel Inspector Returns	Channel 5	07/04/2015	Offensive language	1
The Wright Stuff	Channel 5	26/02/2015	Race discrimination/offence	1
The Wright Stuff	Channel 5	18/03/2015	Due impartiality/bias	1
The Wright Stuff	Channel 5	19/03/2015	Due impartiality/bias	1
Winner Bingo's sponsorship of Home and Away	Channel 5	n/a	Gambling	1
Scrambled!	CITV	22/03/2015	Race discrimination/offence	1
The Aquabats! Super Show!	CITV	01/03/2015	Violence and dangerous behaviour	1
Sid Roth's It's Supernatural	Daystar	17/03/2015	Teleshopping	1
Citroen Van's sponsorship of documentaries on Discovery	Discovery	15/02/2015	Generally accepted standards	1
Star Wars Rebels	Disney XD	14/03/2015	Violence and dangerous behaviour	1
Dirkhazmi	DM News Plus	17/12/2014	Generally accepted standards	1
The Royals (trailer)	E!	22/03/2015	Scheduling	1
Jane the Virgin (trailer)	E4	15/04/2015	Scheduling	1
Made in Chelsea (trailer)	E4	29/03/2015	Nudity	1
New Girl	E4	27/02/2015	Scheduling	1
Programming	E4	n/a	Outside of remit / other	1
Showtime: Party Down South (trailer)	E4	07/03/2015	Offensive language	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Advertisement	Eurosport	31/03/2015	Outside of remit / other	1
Princess Mononoke	Film4	07/04/2015	Offensive language	1
Water for Elephants	Film4	18/04/2015	Animal welfare	1
The Trip	Gold	20/03/2015	Disability discrimination/offence	1
Heart Breakfast with Robin Galloway	Heart 100-101 (Scotland West)	03/03/2015	Competitions	1
Programming	Heart Northeast	31/03/2015	Offensive language	1
Pawn Stars	History Channel	02/04/2015	Offensive language	1
Programming	History Channel	n/a	Outside of remit / other	1
The Deadly Spawn	Horror Channel	29/03/2015	Scheduling	1
Advertisement	ITV	31/03/2015	Outside of remit / other	1
Advertisement	ITV	01/04/2015	Outside of remit / other	1
Advertisement	ITV	14/04/2015	Outside of remit / other	1
Advertisement	ITV	18/04/2015	Outside of remit / other	2
Ant and Dec's Saturday Night Takeaway	ITV	28/02/2015	Scheduling	2
Ant and Dec's Saturday Night Takeaway	ITV	07/03/2015	Competitions	1
Arthur and George	ITV	02/03/2015	Animal welfare	1
Aunt Bessie's sponsorship of The Chase	ITV	25/03/2015	Generally accepted standards	1
Aunt Bessie's sponsorship of The Chase	ITV	n/a	Materially misleading	1
Britain's Got Talent	ITV	11/04/2015	Animal welfare	46
Britain's Got Talent (trailer)	ITV	03/04/2015	Animal welfare	1
Britain's Got Talent (trailer)	ITV	04/04/2015	Generally accepted standards	1
Coronation Street	ITV	01/04/2015	Outside of remit / other	1
Coronation Street	ITV	10/04/2015	Gender discrimination/offence	1
Coronation Street	ITV	17/04/2015	Generally accepted standards	4
Dickinson's Real Deal	ITV	16/03/2015	Competitions	1
Emmerdale	ITV	16/03/2015	Disability discrimination/offence	20
Emmerdale	ITV	26/03/2015	Drugs, smoking, solvents or alcohol	1
Emmerdale	ITV	30/03/2015	Generally accepted standards	1
Emmerdale	ITV	06/04/2015	Generally accepted standards	1
Good Morning Britain	ITV	01/04/2015	Materially misleading	1
Good Morning Britain	ITV	16/04/2015	Elections/Referendums	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
ITV News and Weather	ITV	18/03/2015	Due accuracy	1
ITV News at Ten and Weather	ITV	17/02/2015	Due impartiality/bias	1
ITV News at Ten and Weather	ITV	31/03/2015	Outside of remit / other	1
ITV News London	ITV	23/03/2015	Generally accepted standards	1
Loose Women	ITV	17/03/2015	Generally accepted standards	1
Loose Women	ITV	23/03/2015	Religious/Beliefs discrimination/offence	1
Newzoids	ITV	15/04/2015	Elections/Referendums	1
Newzoids	ITV	15/04/2015	Generally accepted standards	8
Newzoids	ITV	15/04/2015	Offensive language	1
Newzoids	ITV	15/04/2015	Race discrimination/offence	1
Newzoids	ITV	15/04/2015	Religious/Beliefs discrimination/offence	1
Newzoids	ITV	15/04/2015	Transgender discrimination/offence	1
Newzoids (trailer)	ITV	10/04/2015	Generally accepted standards	1
Ninja Warrior UK	ITV	19/04/2015	Gender discrimination/offence	1
O'Brien	ITV	30/03/2015	Elections/Referendums	2
O'Brien	ITV	30/03/2015	Generally accepted standards	5
O'Brien	ITV	30/03/2015	Race discrimination/offence	1
Off Their Rockers	ITV	15/03/2015	Scheduling	5
Off Their Rockers	ITV	29/03/2015	Generally accepted standards	1
Party Election Broadcast by the Labour Party	ITV	31/03/2015	Offensive language	7
Scrambled!	ITV	22/03/2015	Offensive language	1
The Brit Awards 2015	ITV	25/02/2015	Age discrimination/offence	1
The Brit Awards 2015	ITV	25/02/2015	Generally accepted standards	1
The Brit Awards 2015	ITV	25/02/2015	Offensive language Race discrimination/offence	151
The Brit Awards 2015	ITV	25/02/2015	Outside of remit / other	5
The Jeremy Kyle Show	ITV	25/02/2015	Generally accepted standards	1
The Jeremy Kyle Show	ITV	26/02/2015	Generally accepted standards	1
The Jeremy Kyle Show	ITV	04/03/2015	Generally accepted standards	1
The Jeremy Kyle Show	ITV	16/03/2015	Generally accepted standards	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Jeremy Kyle Show	ITV	21/03/2015	Generally accepted standards	1
The Jonathan Ross Show	ITV	04/04/2015	Religious/Beliefs discrimination/offence	2
The Jonathan Ross Show	ITV	06/04/2015	Generally accepted standards	1
The Nation's Favourite 70s Number One	ITV	05/03/2015	Advertising/editorial distinction	1
The Olivier Awards 2015	ITV	12/04/2015	Outside of remit / other	1
This Morning	ITV	25/02/2015	Generally accepted standards	1
This Morning	ITV	26/02/2015	Materially misleading	2
This Morning	ITV	04/03/2015	Undue prominence	1
This Morning	ITV	18/03/2015	Sexual material	1
Thunderbirds are Go	ITV	04/04/2015	Outside of remit / other	1
Tonight	ITV	16/04/2015	Elections/Referendums	1
You're Back in the Room	ITV	14/03/2015	Generally accepted standards	1
You're Back in the Room	ITV	14/03/2015	Generally accepted standards	5
You're Back in the Room	ITV	21/03/2015	Generally accepted standards	2
You're Back in the Room	ITV	21/03/2015	Offensive language	1
You're Back in the Room	ITV	28/03/2015	Generally accepted standards	1
Millionaire Matchmaker	ITV Be	27/02/2015	Generally accepted standards	1
Advertisement	ITV2	18/04/2015	Outside of remit / other	1
Britain's Got More Talent	ITV2	11/04/2015	Offensive language	1
Britain's Got More Talent	ITV2	11/04/2015	Race discrimination/offence	3
Britain's Got More Talent	ITV2	12/04/2015	Race discrimination/offence	1
Celebrity Juice	ITV2	04/04/2015	Animal welfare	1
Celebrity Juice	ITV2	18/04/2015	Generally accepted standards	1
People Do the Funniest Things	ITV2	03/04/2015	Generally accepted standards	1
You've Been Framed!	ITV2	15/04/2015	Religious/Beliefs discrimination/offence	1
Foyle's War	ITV3	31/01/2015	Race discrimination/offence	1
Judge Judy	ITV3	13/03/2015	Race discrimination/offence	1
Advertisement	ITV4	31/03/2015	Outside of remit / other	1
Programming	Kiss Me TV	08/03/2015	Participation TV - Protection of under 18s	1
Call Clegg	LBC 97.3 FM	19/03/2015	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	26/03/2015	Due impartiality/bias	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Nick Ferrari	LBC 97.3 FM	10/03/2015	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	16/04/2015	Elections/Referendums	1
Steve Allen	LBC 97.3 FM	02/03/2015	Generally accepted standards	1
Stig Abell	LBC 97.3 FM	05/04/2015	Religious/Beliefs discrimination/offence	1
Embarrassing Bodies	More4	25/02/2015	Gender discrimination/offence	1
Embarrassing Bodies	More4	11/04/2015	Gender discrimination/offence	1
Grand Designs	More4	11/03/2015	Offensive language	1
Advertisement	n/a	n/a	Outside of remit / other	2
Air Crash Investigation	National Geographic	27/03/2015	Generally accepted standards	1
Bangladesh National Party Announcement	NTV	21/12/2014	Political advertising	1
Programming	Panjab Radio	13/02/2015	Appeals for funds	1
Programming	Panjab Radio	18/02/2015	Materially misleading	1
Programming	Prime TV	14/02/2015	Materially misleading	1
Leanne & Dave at Breakfast: "Liverpool's Hottest Buns" Competition	Radio City	24/03/2015	Generally accepted standards	1
Programming	Radio Sunlight	29/03/2015	Offensive language	1
When Ghosts Attack (trailer)	Really	30/03/2015	Scheduling	1
Pobol y Cwm	S4C Digital	16/04/2015	Generally accepted standards	1
Breaking Bands	Saint FM	13/04/2015	Offensive language	2
Local Talent	Saint FM	05/04/2015	Offensive language	1
Station idents	SAM FM 106 (South Coast)	04/04/2015	Religious/Beliefs discrimination/offence	1
Advertising	Sky 1	24/03/2015	Political advertising	1
Ross Kemp: Extreme World	Sky 1	05/03/2015	Race discrimination/offence	1
Wild Things	Sky 1	05/04/2015	Offensive language	1
Decision Time (trailer)	Sky News	17/04/2015	Elections/Referendums	1
Paper Review	Sky News	06/04/2015	Elections/Referendums	1
Press Preview	Sky News	25/02/2015	Due impartiality/bias	1
Press Review	Sky News	05/02/2015	Race discrimination/offence	1
Sky News	Sky News	27/03/2015	Disability discrimination/offence	1
Sky News	Sky News	30/03/2015	Disability discrimination/offence	1
Sky News with Colin Brazier.	Sky News	10/03/2015	Generally accepted standards	1
Sky News with Colin Brazier	Sky News	10/03/2015	Religious/Beliefs discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Sky News with Kay Burley	Sky News	09/03/2015	Due impartiality/bias	1
Sky News with Kay Burley	Sky News	15/04/2015	Elections/Referendums	1
The Masters – Live	Sky Sports 4	10/04/2015	Materially misleading	1
Formula 1	Sky Sports F1	22/03/2015	Offensive language	1
News	Smooth FM	27/03/2015	Disability discrimination/offence	1
Scotland Tonight	STV	09/03/2015	Due impartiality/bias	1
Breakfast Show	Sun FM 103.4	01/04/2015	Competitions	1
Sports Bar	Talksport	16/03/2015	Crime	1
Say Yes to the Dress (trailer)	TLC	31/03/2015	Scheduling	1
Scorned (trailer)	TLC+2	01/04/2015	Scheduling	1
Friday Drive Show	Unity FM (Birmingham)	20/02/2015	Due impartiality/bias	1
UTV Live	UTV	06/03/2015	Due impartiality/bias	1
Advertisement	Various	n/a	Gambling	1
That 70s Show	Viva	20/03/2015	Scheduling	1
Medieval Dead	Yesterday	23/03/2015	Scheduling	1

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

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

Licensee	Licensed service	Categories
Radio Scilly Limited	Radio Scilly	Key Commitments
Original Aberdeen FM Limited	Original 106	Format
Tamworth Radio Broadcasting CIC	TCR FM	Key Commitments

Investigations List

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

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

Here are alphabetical lists of new investigations launched between 9 and 22 April 2015.

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

Programme	Broadcaster	Transmission date
4 Play: Sex Tips 4 Girls	Africa Channel	8 March 2015
Advertisement	Ambur Radio	23 March 2015
Top Gear	BBC 2	2 February 2014
Don't Tell the Bride	BBC 3	17 February 2015
NCIS: Los Angeles	Channel 5	20 March 2015
The 100	E4	7 March 2015
Give a Pet a Home	ITV	15 April 2015
Station ident	Jack FM (Oxfordshire)	26 March 2015
Total Tone Up	Made in Tyne and Wear	2 April 2015
Today	NTV Mir Lithuania	Various
First Group's sponsorship of the Breakfast Show	Original 106	26 March 2015
Sheffield Live News	Sheffield Live TV	9 April 2015
Seal of the Prophets	Ummah Channel	Various

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

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

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

Programme	Broadcaster	Transmission date
Programming	Angel Radio Havant	24 January 2015
40 Kids by 20 Women	Channel 5	31 March 2015
Car Crash Britain: Caught on Camera	ITV	12 February 2015
Miri Piri Gurdwara Live Kar Sewa	MATV	24 November 2013
London Special Election Debate	Sangat TV	26 September 2014

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

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

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

Licensee	Licensed Service
Leith Community Media Works Limited	Castle FM 98.8
AXN Europe Limited	AXN White (Poland) AXN Black (Poland) AXN (Poland)
AXN Southern Europe Limited	AXN (Italy) AXN Sci-Fi (Italy)
Modern Times Group MTG Limited	TV3 (Denmark), TV3 Puls (Denmark) TV3 (Sweden) TV6 (Sweden) TV8 (Sweden)

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

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