Community radio station found in breach of Ofcom’s offensiveness rules

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On 16 December 2019, Ofcom, the United Kingdom's communications regulator, found that Radio Caroline had breached Section Two of its Code, which outlines standards for broadcast content so as to provide members of the public with adequate protection from harmful and offensive material.

Radio Caroline, which was founded in 1964 and broadcast from international waters, had been rendered an illegal (pirate) station by the Marine Broadcasting Offences Act 1967, but 50 years later, in June 2017, Caroline was granted a community radio licence by Ofcom. Community radio services are provided on a not-for-profit basis and focus on the delivery of “specific social benefits to a particular geographical community."

Radio Caroline AM Broadcasting Ltd now holds the licence for Radio Caroline. The station was given the medium wave frequency of 648kHz (which was once used by the BBC World Service) and now broadcasts in Suffolk and northern parts of Essex. It plays a wide range of album music from the 1960s to the present day, with an audience consisting primarily of individuals aged 45 and over.

On 13 September 2019, Ofcom received a complaint concerning Caroline’s Top Fifteens programme which is broadcast every weekday morning from 9 a.m. to 10 a.m. In particular, the complaint related to the broadcast of the English rock band Radiohead's track “Creep”, which contained three instances of the word “fucking”.

Rule 2.3 of the Ofcom Broadcasting Code stipulates that broadcasters, in applying generally accepted standards, must ensure that potentially offensive language is justified by the context. Context includes, but is not limited to, the service on which the material is broadcast, the time of broadcast as well as the size, composition and likely audience expectations. The same rule also states that “appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

The licensee acknowledged that there was “no justification for the use of explicit language”. It also stated that it would not have “knowingly play[ed] such a track”, which was aired due to a “simple error” between two volunteers who shared the tasks of scheduling the tracks and voicing links. In order to mitigate the risk of

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recurrence of this problem, Radio Caroline responded that they were planning to devise a single database of music so that tracks would not be selected from external sources. Moreover, listener suggestions for tracks would be examined by a staff member and only added to the available list if the content was deemed "acceptable". The licensee further explained that it had not broadcast an apology "because the problem was not identified until it was brought to [its] notice many days later".

Ofcom noted the steps Radio Caroline said it was taking and the fact that the language had been broadcast live in error. However, bearing in mind its research, which indicates that the word "fuck" is considered by audiences to be among the strongest and most offensive terms, the regulator held that the majority of listeners at this time of day were "unlikely to have expected to hear the most offensive language". It took particular note of the fact that the broadcaster had failed to apologise and concluded that Top Fifteens had breached Rule 2.3 of its Code.

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