

**Sanction: Decision by Ofcom**

**Sanction: to be imposed on Markaz-Al-Huda Limited**

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**For material broadcast on Salaam BCR on 17 October 2023 at 14:00 and 16:38.**

**Ofcom's Sanction Decision against:**      **Markaz-Al-Huda Limited** ("Markaz-Al-Huda" or the "Licensee") in respect of its service **Salaam BCR** (CR100168).

**For:**      Breaches of the Ofcom Broadcasting Code (the "Code")<sup>1</sup> in respect of:

Rule 3.2: "Material which contains hate speech must not be included in...radio programmes...except where it is justified by the context";

Rule 3.3: "Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in...radio services...except where it is justified by the context"; and

Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to, offensive language...discriminatory treatment or language (for example on the grounds of...race, religion or belief...) ...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

**Ofcom's Decision:**      To impose a financial penalty (payable to HM Paymaster General) of **£3,500**.

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<sup>1</sup> See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/broadcast-code>.

## **Executive Summary**

1. Salaam BCR was a community radio station broadcasting entertainment, religious and current affairs programming to the Muslim community of Bury, in Urdu, English and Arabic. The Ofcom community radio licence (the “Licence”) for this service was held by Markaz-Al-Huda Limited.<sup>2</sup> The Licensee does not currently hold any other broadcasting licence.
2. On 17 October 2023 at 14:00, a programme was broadcast on Salaam BCR featuring a 38-minute speech delivered by Mr Shujauddin Sheikh (“Mr Shujauddin” or the “speaker”). The speech was delivered to an audience outside the Karachi Press Club in Pakistan on 12 October 2023. The same programme was broadcast again at 16:38 on the same day.
3. During the programme, Mr Shujauddin presented his views on the ongoing situation in the Middle East and, in particular, what he considered to be a lack of response by Muslim leaders around the world to the suffering of Palestinian Muslims in Gaza.

## **The Breach Decision**

4. In Ofcom’s Breach Decision<sup>3</sup> published on 21 October 2024 in Issue 508 of the Broadcast and On Demand Bulletin (the “Breach Decision”), Ofcom found that this programme breached Rules 3.2, 3.3 and 2.3 of the Code.
5. The Breach Decision set out the broadcast material that was in breach, along with the reasoning as to why the material had breached each of these rules.
6. Ofcom concluded this broadcast contained antisemitic hate speech and abusive and derogatory statements, which were potentially highly offensive and not justified by the context. We put the Licensee on notice that Ofcom’s initial view was that the breaches were serious and would therefore be considered for the imposition of a statutory sanction.

## **Licence surrender**

7. On 18 August 2024, the Licensee notified Ofcom it intended to hand back its licence. On 1 October 2024, the Licensee confirmed that it wished to surrender its licence and that it had already ceased broadcasting. Nonetheless, by virtue of section 346(3) of the Communications Act 2003 (“the Act”), Ofcom has the power to impose a penalty relating to breaches of the Code during the period in which the Licensee held a broadcasting licence, notwithstanding the fact that the Licence was surrendered by the Licensee.<sup>4</sup>

## **The Sanction Decision**

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<sup>2</sup> On 1 October 2024 Markaz-Al-Huda Limited handed back its community radio licence (licence number CR100168). However, we note Markaz-Al-Huda continues to stream content on the non-licensable service, [www.salaambcr.com](http://www.salaambcr.com).

<sup>3</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/broadcast-bulletins/2024/issue-508/programming-salaam-bcr-17-october-2023.pdf?v=383597>.

<sup>4</sup> By virtue of Section 346(3) of the Act, a person’s liability to have a penalty imposed under section 237 of the Act in respect of acts or omissions of that person occurring while the holder of a Broadcasting Act licence is not affected by that Broadcasting Act licence having ceased (for any reason) to be in force before the imposition of the penalty.

8. In accordance with Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences (the "Sanctions Procedures"),<sup>5</sup> Ofcom considered whether the Code breaches were serious, deliberate, repeated and/or reckless so as to warrant the imposition of a sanction on the Licensee in this case.
9. Ofcom's Preliminary View on Sanction (the "Sanction Preliminary View") set out that Ofcom was minded to impose a statutory sanction on the Licensee. The Sanction Preliminary View took into account representations that Markaz-Al-Huda Limited made in advance of, and following, the Breach Decision and in response to Ofcom's request for information regarding its Qualifying Revenue. Ofcom sent a copy of the Sanction Preliminary View to the Licensee on 11 April 2025 and gave the Licensee the opportunity to provide both written and oral representations. The Licensee subsequently provided written representations, which were submitted on 19 May 2025 and 22 May 2025. These representations are summarised in paragraphs 49 to 54 below. The Licensee declined the opportunity to make oral representations.
10. Having considered these representations, Ofcom has reached the decision that a sanction is merited, for the reasons set out in paragraph 56 to 59 below.
11. Ofcom's Sanction Decision is that the appropriate sanction should be the imposition of a financial penalty of **£3,500**.
12. This document outlines Ofcom's Sanction Decision on the type and level of sanction considered to be appropriate and proportionate, taking into account all the relevant material in this case and Ofcom's Penalty Guidelines (the "Penalty Guidelines")<sup>6</sup>.

### **Legal Framework**

#### **Communications Act 2003**

13. Ofcom's principal duty, set out in section 3(1) of the Communications Act 2003 (the "Act"), is to further the interests of citizens in relation to communications matters and the interests of consumers in relevant markets. In carrying out its functions, Ofcom is required to secure a number of other matters. These include the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services (section 3(2)(e)).
14. Ofcom has a specific duty under section 319 of the Act to set such standards for the content of programmes in television and radio services as appears to it best calculated to secure the standards objectives set out in section 319(2). These objectives include that generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material (section 319(2)(f)). This requirement is reflected in Section Two<sup>7</sup> and Section Three<sup>8</sup> of the Code.
15. In performing its duties, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted

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<sup>5</sup> See: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0030/71967/Procedures\\_for\\_consideration.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0030/71967/Procedures_for_consideration.pdf).

<sup>6</sup> See: <https://www.ofcom.org.uk/about-ofcom/corporate-policies/penalty-guidelines>.

<sup>7</sup> See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/section-two-harm-offence>.

<sup>8</sup> See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/section-three-crime-disorder-hatred-abuse>.

only at cases in which action is needed, and any other principles representing best regulatory practice (section 3(3)); and, where relevant, to have regard to a number of other considerations including the need to secure that the application in the case of television and radio services of standards relating to harm and offence is in the manner that best guarantees an appropriate level of freedom of expression (section 3(4)(g)).

### **Human Rights Act 1998**

16. Under section 6 of the Human Rights Act 1998, Ofcom (as a public authority) has a duty to ensure that it does not act in a way which is incompatible with the European Convention on Human Rights (the “Convention”). In particular, in the context of this case, Ofcom has taken account of the related rights under Article 9 and Article 10 of the Convention.
17. Article 9 of the Convention provides for the right to freedom of thought, conscience and religion. This Article makes clear that freedom to “manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or for the protection of rights and freedoms of others”.
18. Article 10 of the Convention provides for the right to freedom of expression. Applied to broadcasting, this right encompasses the broadcaster’s freedom to impart and the audience’s freedom to receive information and ideas without interference by public authority and regardless of frontiers (Article 10(1)). The exercise of these freedoms may be subject only to conditions and restrictions which are “prescribed in law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or maintaining the authority and impartiality of the judiciary” (Article 10(2)).
19. Ofcom must exercise its duties in light of these rights. Any interference must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society (i.e. proportionate to the legitimate aim pursued and corresponding to a pressing social need).

### **Equality Act 2010**

20. Under section 149 of the Equality Act 2010, in the exercise of its functions, Ofcom must also have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic, such as (but not limited to) race or religion, and persons who do not share it.

### **The Ofcom Broadcasting Code**

21. Standards set by Ofcom in accordance with section 319 of the Act are set out in the Code.
22. Accompanying Guidance Notes<sup>9</sup> to each section of the Code are published and from time to time updated on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code.
23. The relevant Code rules in this case are set out in full at the beginning of this Sanction Decision.

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<sup>9</sup> See: Guidance Notes on Section Two of the Code:

<https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/programme-guidance/broadcast-code-guidance/section-2-guidance-notes.pdf?v=322622>.

See: Guidance Notes on Section Three of the Code:

[https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/programme-guidance/broadcast-code-guidance/section3\\_2016.pdf?v=328313](https://www.ofcom.org.uk/siteassets/resources/documents/tv-radio-and-on-demand/broadcast-guidance/programme-guidance/broadcast-code-guidance/section3_2016.pdf?v=328313).

**Remedial action and penalties**

24. Under section 325 of the Act, a licence for a programme service issued by Ofcom under the Broadcasting Act 1990 or 1996 must include conditions for securing that the standards set under section 319 are observed by the licensee. In the case of a community radio licence, Condition 5 of the licence requires the licensee to ensure that provisions of any Code made under section 319 are complied with. Condition 15(2) requires the licensee to adopt procedures and ensure that such procedures are observed by those involved in providing the service for the purposes of ensuring that programmes included in the service comply with the provisions of the licence and applicable statutory requirements. The Licensee in this case held a community radio licence.
25. Where Ofcom has identified that a condition of a community radio licence has been contravened, its powers to take action are set out in sections 109 to 111B of the Broadcasting Act 1990 (the “1990 Act”) insofar as relevant to the case. This includes powers to direct a licence holder to broadcast a statement of findings or a correction on the licensed service, to shorten or suspend a community radio licence, or to revoke a community radio licence.
26. However, because the Licence has been surrendered, the only relevant power available to Ofcom is the power to impose a financial penalty under section 110 of the 1990 Act in respect of the breaches of the Code during the period in which the Licensee held a broadcasting licence.<sup>10</sup>

**Background – The Breach Decision**

27. In the Breach Decision<sup>11</sup>, Ofcom found that the material broadcast on Salaam BCR breached Rules 3.2, 3.3 and 2.3 of the Code. The Breach Decision set out the full reasons for each of these breach findings, which are summarised below.
28. Ofcom found that the material contained antisemitic hate speech, and abusive and derogatory statements, which were potentially highly offensive and not sufficiently justified by the context. Ofcom also noted that the material was repeated the same day.
29. The Licensee provided both written and oral representations to Ofcom in the course of the investigation, which were taken into consideration by Ofcom when reaching the Breach Decision.
30. In addition to providing representations on Ofcom's consideration of Rules 3.2, 3.3 and 2.3 (which we set out in more detail under the relevant subheadings below), the Licensee also provided broader representations on the initial complaint and the investigation itself. The Licensee stated that:
  - i. it felt Ofcom desired to “punish” Markaz-Al-Huda for including quotes “referenced from religious literature”, and that this was “victimisation” and “petty”. The Licensee said that it felt this was a “malicious complaint using the current situation in Gaza” and that it “strongly repudiate[d] claims of antisemitism”. It added that “as a broadcaster of cultural and religious programmes the last thing we [Salaam BCR] would ever wish to do is insult or badmouth another religion or community”.
  - ii. it felt that Muslim stations were being targeted after the events of 7 October 2023 and raised further concerns about whether Ofcom would reach its decision in an impartial manner, stating: “So, it's important for me to feel that, that I am talking to people where there is hopefully no bias at all”. The Licensee went on to say that it

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<sup>10</sup> See Footnote 6.

<sup>11</sup> See Footnote 3.

had “made [its] position clear” in its representations, however, it felt “it would be detrimental to [its] organisation if [they] didn’t know the ethnicity or even the religious bias of [the Ofcom] individuals concerned”.<sup>12</sup>

### Rule 3.2

31. The Breach Decision noted that the speech included the following statements which Ofcom found constituted hate speech:

- i. *“These are the Jews who were envious of the last prophet. Satan was envious of the first prophet, Prophet Adam. He became the enemy of humanity. The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity”.*
- ii. *“Making a decision that suits them, whether they make it by themselves, or through an outsider, the Jews make the final call. Their religious book is Talmud in which it is written if a Jew should receive a judgment of a case in his favour by a Jewish judge, he should go to that court. However, if he receives a judgment of the case in his favour by a non-Jewish judge, he should go to that court instead. These are the Jews, the worst enemies of humanity whose [religious] book, the Talmud says the rest of mankind are animals”.*
- iii. *“...The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity. Their history is from killing prophets to only protecting their own interests, to instigating war, to instigating war and then lending money with interest and strengthening their economy, to achieving a bigger purpose for themselves and a very big reason for that is for their vision of a ‘Greater Israel’. Which now feels as if we will be seeing rapid progress in achieving this objective...”.*
- iv. *“These are the Jews, the worst enemies of humanity whose [religious] book, the Talmud says the rest of mankind are animals. And this is what the current Israeli government officials are saying, [spoken in English]: ‘These Palestinians are animals, they have no right to live’. ‘The people living in Palestine are animals’. ‘They have no right to live’. These things are being said openly”.*

32. It was Ofcom’s view that these statements drew upon common antisemitic tropes which portrayed Jewish people in an overwhelmingly negative light. In particular, Ofcom considered that:

- i. The first statement above evoked antisemitic tropes that depicted Jewish people as the devil, by implicitly and collectively associating them with characteristics commonly associated with Satan (for example, malevolence, power, and treachery).<sup>13</sup>
- ii. The references to Jewish people “*instigating war*” and then using the situation to practice usury evoked further derogatory and antisemitic stereotypes that characterised Jewish people as being dishonest, deceitful, and predatory, or being in

<sup>12</sup> In response to these concerns about bias and ethnicity, Ofcom reminded the Licensee that it is an independent and impartial regulator. Ofcom also reiterated that it approaches all its broadcast standards investigations in accordance with its statutory duties and published procedures, regardless of factors such as ethnicity, race, or religion.

<sup>13</sup> See: <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

positions of power, and creating wars.<sup>14</sup> In doing so, the speaker implied that the acts of Israel within the Israel-Hamas conflict were taken because they are Jewish, and that this behaviour is consistent with purported past behaviour of Jewish people.

- iii. The speaker conflated the actions of the Israeli Government and Zionist policies, and attributed them to all Jewish people, for example drawing an explicit connection between the purported "*history*" of Jewish people and current actions of Israel: "*Which now feels as if we will be seeing rapid progress in achieving this objective*". The speaker also draws an explicit connection between his interpretation of the Talmud (which in his view, "*says the rest of mankind are animals*") and the current actions of Israel ("*and this is what the current Israeli government officials are saying*").
33. The Licensee argued that references to "*these Jews*" by the speaker "were not intended in generalisation" of all Jewish people but were referring to the "people who are involved" in the ongoing conflict. However, Ofcom considered the speaker's statements would have been understood by the audience as holding all Jewish people collectively responsible for the actions of the state of Israel.
34. The Licensee also stated that the programme "made references to the texts of the Holy Qur'an...and authentic historical facts, events and quotations" and that the "use of religious text does not amount to hate speech". The Licensee added that "no content in [its] humble opinion was considered inciting hatred to any section of the community". Ofcom acknowledged the importance of the right to freedom of religion under Article 9 of the ECHR and that some elements of the speech constituted direct references to the Qur'an and Hadith. However, the statements considered to be antisemitic were not direct quotes from these texts and instead appeared to be the speaker's personal interpretation of religious material and went beyond the narration of religious or historical references.
35. The Licensee also provided representations from a representative of Tanzeem-e-Islami, the organisation of which the speaker of the programme is the leader.<sup>15</sup> Tanzeem-e-Islami argued that "the speech provided a critical examination of Zionism...and the policies associated with it...particularly in the context of the state of Israel" and "Israeli aggression against the Palestinians", and therefore should be "distinguished from hate speech". Ofcom acknowledged that it would be legitimate and within audience expectations to include criticism of the actions of the Israeli Government, Zionism and a perceived lack of response by Muslim leaders. While certain statements could be categorised as political discourse, we considered that in the statements above, the speaker went beyond a 'critical examination' of a political ideology and the policies associated with it and failed to distinguish between Jewish people and the State of Israel. Ofcom considered that the speaker used a criticism of Zionism and Israel to spread, justify and promote hatred of Jewish people based on intolerance on grounds of ethnicity, race, religion, or belief that went beyond the narration of religious and historical references.
36. In considering the context of the programme, Ofcom acknowledged that Salaam BCR's Muslim audience may have expected to hear criticism of Israel's military response to the 7 October 2023 attack, and of Zionism more broadly. However, Ofcom considered it was unlikely they would have expected a programme to include antisemitic hate speech without

<sup>14</sup> See: <https://antisemitism.org.uk/wp-content/uploads/2020/07/Antisemitic-imagery-May-2020.pdf> and [https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/ReportHC/75\\_The\\_Louis\\_D.\\_Brandeis\\_Center\\_Fact\\_Sheet\\_Anti-Semitism.pdf](https://www.ohchr.org/sites/default/files/Documents/AboutUs/CivilSociety/ReportHC/75_The_Louis_D._Brandeis_Center_Fact_Sheet_Anti-Semitism.pdf).

<sup>15</sup> Ofcom considered Tanzeem-e-Islami's representations in conjunction with the Licensee's own representations.

contextualisation particularly given the Licensee's representations stated the aim of helping its audience to live peacefully in multicultural communities.

37. We further considered that the speaker presented an uninterrupted monologue that went unchallenged and without the presentation of alternative viewpoints, and that the speaker was likely to have been perceived by listeners as a person of religious authority due to his leadership position and association with Tanzeem-e-Islami, a Pakistan based religious organisation that was likely to be known to the UK audience.
38. It was Ofcom's decision that this content met Ofcom's definition of hate speech, and that Rule 3.2 was breached.

### **Rule 3.3**

39. Ofcom considered whether the programme contained abusive or derogatory treatment of individuals, groups, religions or communities. As set out above, Ofcom considered that a number of statements in the speech constituted antisemitic hate speech by evoking antisemitic tropes. We considered that these statements would have been understood by the audience to be derogatory and abusive towards Jewish people.
40. Ofcom also considered that the speaker used the term "*Jews*" in a pejorative manner during different parts of the programme, such as:
  - i. *"The people who maligned her were these very Jews. The people who created difficulties in the life of Jesus were these very Jews. It was these Jews who created obstacles in the missions of the prophets".*
  - ii. *"These are the Jews, the worst enemies of humanity..."*
  - iii. *"These are the Jews who were envious of the last prophet...The Jews were envious of the last prophet, Prophet Muhammad, and the Jews are the biggest enemies of humanity".*
41. We noted the Licensee's representations that it believed the words used by the speaker in the programme were "not intended in generalisation" and that "they were intended exactly at the people who are involved in that", further adding that it could "send examples of the people that he's probably referring to", recounting one such event relating to actions of Israeli soldiers in Gaza. We also considered the Licensee's representations that stated the speech included a "thoughtful and informed critique of Zionism" and that it was "important to distinguish between critique of a political movement and promoting hate against a particular group". We also acknowledged that Markaz-Al-Huda submitted that it "do[es] not and will not ever condone any type of racism...or tolerate any community being the subject of the hate or violence". However, Ofcom considered that the repeated use of the term "*Jews*" would have been understood by the audience as a term of abuse, particularly in the context of a programme in which the speaker presented a narrative which, through antisemitic stereotypes, implicated Jewish people collectively in the acts of Israel in the context of the Israel-Hamas conflict.
42. Ofcom concluded that the antisemitic statements and the use of the word "*Jews*" by the speaker as a term of abuse constituted abusive and derogatory treatment of the Jewish community, and therefore Rule 3.3 was breached.

### **Rule 2.3**

43. It was Ofcom's view that the material referred to above had the potential to cause significant offence. It was Ofcom's view that listeners were unlikely to have expected to hear content of this type of broadcast without sufficient contextual justification or appropriate information to

avoid or minimise the level of potential offence. Ofcom therefore concluded that this content breached Rule 2.3 of the Code.

#### **Subsequent correspondence with the Licensee**

44. On 18 August 2024, prior to the publication of the Breach Decision on 21 October 2024, the Licensee surrendered its community radio licence (licence number CR100168) citing it would stop all broadcast by the end of September. The Licensee stated, “We as a charity cannot be held accountable to a regulator that we have no faith of fairness”.
45. On 1 October 2024, the Licensee confirmed it wanted to surrender its licence and had stopped broadcasting.
46. On 19 October 2024, in response to the publication of the Breach Decision, the Licensee stated it “totally rejects this biased victimisation of Muslims and especially those producing any content that is correct and found to support the content in religious literature, not only in Islamic literature but also Christian and [the] Jewish Talmud”. The Licensee added it will “reject” and “contest any decision that Ofcom proposes”. Markaz-Al-Huda Limited said that it was “so disillusioned with those that run Ofcom” that it had returned its licence as a “gesture of our objection to fairness and disgust”. It added that it believed Ofcom is a “puppet instrument heavily run and supportive of a Zionist agenda which makes [it] a discriminative and Islamophobic organisation”.
47. On 28 January 2025, in response to Ofcom’s Qualifying Revenue request, the Licensee stated its final accounts for the year ending 31 March 2024 showed that Markaz-Al-Huda had reported ~~£~~[REDACTED]. In addition, the Licensee added that “as a consequence of Ofcom’s hardline towards Muslims broadcasters on MW/AM, we decided that we cannot operate under these racist/Islamophobic prejudicial hardline policies”. The Licensee said, “Salaam BCR has always tried to be an informing broadcaster and not a racist channel”. It added “if these hardline discriminative policies continue, we can see no purpose in continuing with our endeavours whilst ~~£~~[REDACTED]”. The Licensee further said, “it is obvious, any financial penalty from Ofcom will force extreme hardship ~~£~~[REDACTED]”.
48. On 10 February 2025, the Licensee reiterated that it had received ~~£~~[REDACTED]. It also stated, “any financial penalty will only jeopardise our existence and many years of voluntary effort, of which the Ofcom team are well aware”. It provided a copy of its Directors’ Report and Financial Statement for 2023 – 2024 (“Financial Statement”).

#### **Licensee’s representations on the Sanction Preliminary View**

49. In accordance with the Sanctions Procedures, Ofcom provided the Licensee with its Sanction Preliminary View and gave the Licensee the opportunity to make both written and oral representations. The Licensee provided written representations on 19 May 2025 and 22 May 2025, which are summarised below. The Licensee declined the opportunity to make oral representations at a hearing.

#### ***General comments***

50. In its written representations of 19 May 2025, Markaz-Al-Huda said, “as “a charity of excellent repute since 2006”, it rejected any “notion of racism or antisemitism” in the programme. The Licensee further stated that it “rejected accountability to Ofcom”, having already surrendered its broadcasting licence and having had “no benefit whatsoever in our nineteen years of existence...”.
51. The Licensee went on to say that it no longer recognised or held itself accountable to a “supposedly independent regulator that works on the behest of foreign forces, victimising and punishing unfairly innocent broadcasters especially those of Muslim faith”. It added that it

rejected “any order from Ofcom” and stated that “no other ruling or demand will be acceptable or complied with from here on”.

52. In its further written representations of 22 May 2025, Markaz-Al-Huda said, “the charity has no confidence in an organisation that works on the behalf of third powerful lobby’s...This puppet organisation bows down to Zionist groups controlling all media and regulator and others”. It added that “Muslim groups have been targeted deliberately, but this is one group that will not bow down no matter what the consequences, especially when no wrong, or malice has been done or was intended”. It added “we have done nothing illegal or wrong”.
53. In declining the opportunity to make oral representations at a hearing, the Licensee added that it would hold itself to “any independent authority that understands the Qur’an, the hadith and Jewish history”.

#### *Potential harm*

54. In its representations of 19 May 2025, the Licensee asked for it to be allowed access to the complainant so that it may clarify its position of never wanting to “directly or indirectly offend any race, religion, colour, ethnicity or gender”. Ofcom stated that it was not able to provide this information for data protection reasons. On 22 May 2025, Markaz-Al-Huda responded that it had “a right to know the complainant” and that “there’s no malice, just [the] desire to know how a Zionist sympathiser understood Urdu and called the content antisemitic”. It further said, “you hide behind data protection to hide your snitches...we have a right to know who and how we have offended”.

#### **Ofcom’s Decision to impose a Statutory Sanction**

##### *Serious nature of the breaches*

55. As set out in paragraph 1.13 of the Sanctions Procedures, the imposition of a sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly and/or recklessly breached a relevant requirement.
56. Ofcom considered these breaches were serious because, as set out in paragraphs 57 to 59 below, the programme contained uncontextualised antisemitic hate speech and abusive and derogatory statements regarding Jewish people. It is Ofcom’s view that certain statements made by the speaker during the speech would have been interpreted by some listeners to be expressions of hatred based on intolerance of Jewish people, and that the broadcast of such content had the potential to promote, encourage and incite intolerance and hatred towards Jewish people amongst listeners. Ofcom considers that the potential harm arising from breaches relating to hate speech is usually serious, and in this case, we considered that it was serious. In particular, we had regard to evidence suggesting an increase in antisemitic hate crimes in the UK in recent years, and more specifically in the week following the 7 October 2023 attack by Hamas, which was the week prior to the broadcast.<sup>16</sup> As noted in the Breach Decision, there had been a 400% increase in antisemitic crimes recorded in the UK between 8 – 12 October 2023 compared to the same period in 2022.<sup>17</sup> The content was also derogatory towards Jewish people, with the potential to cause widespread offence.
57. We took into account the genre and editorial premise of the programme, and the likely audience expectations of this channel. We recognised that Salaam BCR is a community radio station broadcasting entertainment, religious and current affairs programming to the Muslim

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<sup>16</sup> See: <https://researchbriefings.files.parliament.uk/documents/CDP-2023-0238/CDP-2023-0238.pdf>.

<sup>17</sup> See: <https://www.gov.uk/government/news/pm-announces-new-support-to-keep-british-jewish-communities-safe>.

community of Bury, including in Urdu, English and Arabic. We acknowledged that the audience could have expected a discussion centred around historical events and religious text. We also acknowledged the audience would have expected a broader discussion on the conflict in the Middle East and its impact on Muslim countries across the world. We recognised that this type of programme could legitimately explore the historical and religious significance of Palestine, and this could encompass discussion of Qur’anic verses and Hadith. However, we considered that, although listeners of Salaam BCR would have expected to hear a programme exploring Islamic beliefs while engaging in a current affairs discussion, they would not have expected it to include hate speech without very careful contextualisation.

58. Ofcom noted that the antisemitic comments made by the speaker were relatively brief in the context of the programme as a whole. However, as set out in our Breach Decision, we considered the hate speech contained in the programme was not justified by the context of the discussion which concerned the on-going Israel-Hamas conflict, or by the inclusion of quotes from Islamic religious texts. Furthermore, we did not consider that the brevity of the comments within the 38-minute programme sufficiently contextualised the harmful material. We took into account that the impact of the antisemitic comments was heightened by the fact that the programme provided the speaker with a platform to present an uninterrupted monologue that went unchallenged and without the presentation of alternative viewpoints. We further took into account that the antisemitic comments within the programme were made by a figure likely to have been perceived by listeners as a person of religious authority, as he was, as Markaz-Al-Huda stated in its representations, “a credible speaker from a well-respected organisation in the Muslim world” which may have been known to the UK audience, and quoted from religious texts. We considered the comments made by the speaker would likely have been perceived by its audience as authoritative and carrying religious weight. Ofcom was also concerned that this content was broadcast twice without any challenge or context, which in our view compounded the seriousness of this case.
59. Ofcom therefore considered that in view of the factors set out above, the timing of this broadcast in the weeks following the start of the Israel-Hamas conflict, and the fact that the material was broadcast twice by the Licensee on the same day i.e. 17 October 2023 at 14:00 and 16:38, the programme carried a particularly high risk of potential harm and offence, and that the breaches were therefore serious.

#### **Imposition of a sanction**

60. In view of the factors set out above, Ofcom has reached a decision that the imposition of a statutory sanction on Markaz-Al-Huda Limited is merited in this case.
61. As set out in paragraph 26 above, sanctions other than a financial penalty as laid out in sections 109 to 111B of the 1990 Act are no longer relevant in this case since the Licensee has surrendered its licence and ceased to broadcast. As such, the only relevant power for Ofcom to consider in this case is the imposition of a financial penalty under section 110 of the 1990 Act, which we consider below.

#### **Imposition of a financial penalty**

62. Section 110 of the 1990 Act provides Ofcom with the power to impose a financial penalty on the holder of a community radio licence, where it is satisfied the licensee has contravened a condition of its licence. As set out above, by virtue of section 346(3) of the Act, Ofcom has the power to impose a penalty relating to breaches of the Code during the period in which the Licensee held a broadcasting licence, notwithstanding the fact that the Licence was surrendered by the Licensee.

63. Section 110(3) of the 1990 Act provides that the maximum level of a financial penalty that can be imposed on a licensee in respect of each contravention of a community radio licence condition is £250,000.
64. Ofcom's Penalty Guidelines state (in paragraph 11) that: "Ofcom will consider all the circumstances of the case in the round in order to determine the appropriate and proportionate amount of any penalty. The central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance, having regard to the seriousness of the infringement. Ofcom will have regard to the size and turnover of the regulated body when considering the deterrent effect of any penalty".
65. Ofcom's decision is therefore that it would be necessary and proportionate to impose a financial penalty to reflect the serious nature of the breaches (see paragraphs 56 to 59) and to act as an effective deterrent, primarily for other licensees from repeating similar breaches of the Code or in a similar manner, given that the Licensee has surrendered its licence.

**Factors taken into account in determining the amount of a penalty**

66. In considering the appropriate amount of a financial penalty for the Code breaches in this case, Ofcom has taken account of the specific relevant factors set out at paragraph 1.12 of the Penalty Guidelines as set out below:

*The seriousness and duration of the contravention*

67. Ofcom regarded the breaches of Rules 3.2, 3.3 and 2.3 to be serious for the reasons set out in paragraphs 31 to 42 and 56 to 59. Ofcom was particularly concerned by the fact that the Licensee had broadcast this content, which in Ofcom's view constituted hate speech and abuse or derogatory treatment of people with a protected characteristic without challenge or context. Therefore, we consider this programme had the clear potential to cause both harm and offence.
68. We recognised that the material broadcast was a pre-recorded speech lasting 38-minutes, and that the antisemitic material was relatively brief within the overall discussion. However, in considering the appropriate amount of a financial penalty, Ofcom considered that the relative brevity of the statements was not sufficient to mitigate the potential harm and offence from this material alone. As such, we were concerned by the fact that the Licensee had broadcast antisemitic hate speech and material that constituted abusive and derogatory treatment of Jewish people in this programme without any challenge or sufficient contextualisation.
69. The Breach Decision related to material broadcast twice on 17 October 2023. We are not aware of the material having been broadcast again. As noted above, as of 1 October 2024, Markaz-Al-Huda has surrendered its licence and is no longer broadcasting material on its community radio channel, Salaam BCR.

*The degree of harm, whether actual or potential, caused by the contravention, including any increased cost incurred by consumers or other market participants*

70. Ofcom is mindful of its duties under section 3(2)(e) of the Act to secure, in the carrying out of its functions, the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material in such services. This programme contained antisemitic hate speech and material that was abusive or derogatory towards Jewish people that had the potential to be both harmful and highly offensive to some viewers of the programme and potentially damaging to relationships between Jewish and Muslim communities.
71. In this case, we considered that the risk of the material causing harm was particularly high given that statements constituting hate speech against, and abusive treatment of Jewish people were made by a speaker of religious authority due to his affiliation with a religious organisation which

may have been known to a UK Muslim audience and his quoting of religious texts. As set out in paragraph 58, the material broadcast was a 38-minute-long monologue that was broadcast without an introduction or closing statement and without the presentation of viewpoints from guests or Salaam BCR hosts. The programme therefore did not contain any material which provided context, challenge or criticism of the hate speech against Jewish people.

72. We considered that this content would have been potentially highly offensive to listeners, and we were concerned that it had the potential to aggravate religious tensions between Muslim people and members of the Jewish community in the UK. As stated above (see paragraph 56), there had been a 400% increase in antisemitic crimes recorded in the UK between 8 – 12 October 2023 compared to the same period in 2022, and we considered the comments had the clear potential to promote, encourage and incite intolerance towards Jewish people.

73. As a result, we considered this broadcast posed a serious risk of harm to members of the public.

*Any gain (financial or otherwise) made by the regulated body in breach (or any connected body) as a result of the contravention*

74. We have no evidence to suggest that the Licensee made any financial or other gain from these breaches of the Code.

*Whether in all the circumstances appropriate steps had been taken by the regulated body to prevent the contravention*

75. The Licensee did not provide any information throughout the investigation which indicated that appropriate steps had been taken to prevent the contravention. Ofcom took into account that the Licensee did not appear to be aware of the issues concerning the programme until it was alerted to the complaint after a recording request was sent by Ofcom on at 16:11 on 17 October 2023, following the first broadcast of the programme at 14:00 on the same day.
76. We further noted that the material found in breach was pre-recorded, and that the Licensee would have had the opportunity to review it prior to broadcast. Ofcom expects that such a review ought to have identified the potential harm and need for contextual justification when broadcasting such material.
77. During both the Breach investigation and consideration of Sanction, the Licensee has argued in both written and oral representations that the programme broadcast did not contain antisemitic hate speech and therefore had not breached the Code:
- i. In its initial response to Ofcom’s request for comments (see paragraphs 34 to 35), the Licensee stated the content of the speech could not be considered “inciting hatred to any section of the community”. The Licensee said that “the speech made references to the texts of the Holy Qur’an, Hadith...and authentic historical facts...” and that the “use of religious texts does not amount to hate speech”. The Licensee added the statements were presented in an informative manner and “in the context of Israel aggression against the Palestinians” and therefore “should be distinguished from hate speech”.
  - ii. In both its written and oral representations on the Preliminary View (set out in paragraph 29 to 30), the Licensee disagreed that a contravention of the Code had occurred. The Licensee said that it “strongly repudiate[d] claims of antisemitism” and suggested that the complaint was the result of a “malicious complaint using the current situation in Gaza”. It stated that it felt that Ofcom desired to “punish” Markaz-Al-Huda for including quotes from religious literature and that this was “victimisation” and “petty”. The Licensee said in its oral representations that the programme broadcast was “totally innocent” and was without any “intended malice”, or “causing anybody any distress”.

- iii. As set out in paragraph 46, in response to the publication of the Breach Decision, the Licensee stated that it “totally rejects the biased victimisation of Muslims and especially those producing any content that is correct and found to support the content in religious literature...”. The Licensee stated that it would “reject” and “contest any decision that Ofcom proposes” and that it believed Ofcom is a “puppet instrument heavily run and supportive of a Zionist agenda which makes [it] a discriminative and Islamophobic organisation”.
- iv. As set out in paragraphs 49 to 54 above, in its written representations on the Sanction Preliminary View, the Licensee reiterated that it “reject[s] any notions of racism or antisemitism”, once again stated that Ofcom was a “puppet organisation” which “bows to Zionist groups controlling all media and regulator and others” and maintained that it would not hold itself “accountable to a supposedly independent regulator that works at the behest of foreign forces”. The Licensee further added that it will “not bow down no matter what the consequences, especially when no wrong, or malice has been done or was intended”, and that it had done “nothing illegal or wrong”.

78. We therefore considered that, to date, the Licensee maintains that the programme did not contain antisemitic statements and does not consider Ofcom’s Breach Decision to be a legitimate enforcement of the relevant rules of the Code.

79. It is open to a licensee to defend its position robustly in any proceedings brought by Ofcom. However, we considered that the programme was in clear breach of the Code. As such, Ofcom was particularly concerned that the circumstances of this case demonstrated that the Licensee appeared to have a poor understanding of the Code and in particular, what constitutes hate speech for the purposes of Rule 3.2. Ofcom therefore considered that this provides evidence of the Licensee not having taken appropriate steps to ensure compliance with the Code.

*The extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur*

80. We have no evidence to suggest the breached occurred deliberately or recklessly.

*Whether the contravention in question continued, or timely and effective steps were taken to end it, once the regulated body became aware of it*

81. The breaches occurred across two broadcasts of the same programme on 17 October 2023, however the breaches were not ongoing. As outlined in paragraph 75, the Licensee did not appear to be aware of the issues concerning the programme found in breach until it was alerted to the complaint by Ofcom on 17 October 2023, following the first broadcast at 14:00 and prior to the second broadcast at 16:38.

82. We again noted that the Licensee disputed that the breaches had occurred and did not provide any information to Ofcom to suggest that it had improved its compliance processes to minimise the risk of future contraventions of the Code. However, Ofcom is not aware of any further breaches of the Code by the Licensee since the breaches in question and recognises that the Licensee has since surrendered its licence to Ofcom.

*Any steps taken for remedying the consequences of the contravention*

83. The Licensee did not, to Ofcom’s knowledge, take steps to try to remedy the consequences of the breaches, such as broadcasting an apology to listeners. As described above, the Licensee continued to dispute that the programme was in breach of the Code throughout the course of Ofcom’s investigation and sanction process. For example, the Licensee argued the breach was a

result of a “malicious complaint” and that the statements featured in the programme were “totally innocent”, and had been understood as antisemitic by a “Zionist sympathiser”.

Whether the regulated body in breach has a history of contraventions (repeated contraventions may lead to significantly increased penalties)

84. Ofcom has recorded no other Code breaches against the Licensee, prior to the breaches now being considered for statutory sanction.

The extent to which the regulated body in breach has cooperated with our investigation

85. In Ofcom’s view, the Licensee has generally been cooperative in that it has engaged with the investigation. For example, it provided full representations in response to Ofcom’s formal requests for information relating to the material broadcast and the service in general and provided both written and oral representations to the Preliminary View during the Breach investigation. As above, the Licensee provided written representations in respect of the Sanction Decision.

**Precedent**

86. In accordance with the Penalty Guidelines, in coming to this Sanction Decision, Ofcom has had regard to relevant precedents set by previous cases. A full list of Ofcom’s previous recent sanctions decisions is published on Ofcom’s website.<sup>18</sup> However, we have had particular regard to the precedent cases specified below, which we considered were more relevant to the facts of the present case.
87. We took into account that the breaches in the present case related to attacks on a particular group which was discursive and made by an individual of religious authority, but which did not extend to inciting crime and disorder (Rule 3.1). We therefore have had particular regard to the precedent cases specified in paragraphs 88 to 89 and 91 to 93 below, which involved attacks on particular groups which were either discursive or made by authority figures, but did not breach Rule 3.1. We have also considered precedent cases which were similar in their facts to the current case insofar as the circumstances of the breach, and steps taken by the Licensee following the breach.
88. **26 September 2023, Islam Channel Ltd (Islam Channel):**<sup>19</sup> Ofcom imposed a sanction that comprised a £40,000 financial penalty, a direction not to repeat the programme, and a direction to broadcast a statement of findings for breaches of Rules 3.2 and 2.3 of the Code. The breaches related to a one-hour documentary which examined a conspiracy theory known as the ‘Andinia Plan’ which alleges a secret plan to establish a second Jewish state in Patagonia in South America. During the programme, the guests referred to several well-known antisemitic tropes which were broadcast without any context or challenge by the presenter. Ofcom found these statements amounted to antisemitic hate speech, and were potentially highly offensive. The licensee had previously breached the hate speech rule of the Code (see paragraph 95 below) and broadcast two apologies within two weeks of the broadcast.
89. **25 April 2023, Ahlebait TV Networks (Ahlebait TV):**<sup>20</sup> Ofcom imposed a sanction that comprised a £10,000 financial penalty, a direction not to repeat the programme, and a direction

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<sup>18</sup> See: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/content-sanctions-and-adjudications>.

<sup>19</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/content-sanctions-and-adjudications/decision-islam-channel-ltd.pdf?v=330199>.

<sup>20</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/content-sanctions-and-adjudications/sanction-decision-ahlebait-tv-networks.pdf?v=329570>.

to broadcast a statement of findings for breaches of Rules 3.2, 3.3 and 2.3 of the Code. The breaches related to '20<sup>th</sup> Hour', a live discussion programme which discussed current affairs from an Islamic perspective. The programme contained some statements from a regular contributor interspersed across a 52-minute programme which depicted the persecution of Jewish people as a divine punishment for practising usury in such a way to impoverish many societies. Ofcom considered the statements evoked a common derogatory stereotype about Jewish people being disproportionately in control of money lending businesses, being driven by greed and being unwilling to forgo money to the detriment of other people, and used this view to justify the expulsion of Jewish people from various societies throughout history, exclusively blaming this on Jewish people. Ofcom found the statements amounted to antisemitic hate speech, and derogatory and abusive treatment of Jewish people, which were not challenged by the presenter, or sufficiently justified by the context. This was the first breach of our rules for hate speech by the licensee and two apologies were broadcast within three months of the broadcast.

90. **7 March 2022, Rinse FM (Rinse FM):**<sup>21</sup> Ofcom imposed a sanction that comprised a direction to broadcast a statement of findings for breaches of Rules 3.2, 3.3 and 2.3 of the Code. The breaches related to a music programme which included the track "Better in Tune with the Infinite" by hip hop artist Jay Electronica, which contained antisemitic lyrics. Ofcom concluded that the programme, through the inclusion of lyrics in this track, contained antisemitic hate speech and abusive and derogatory treatment of Jewish people, which was not sufficiently justified by the context, and was therefore also potentially highly offensive. Ofcom considered the breaches in this case were brief and not sustained. The licensee did not broadcast an apology but took steps to improve its internal compliance and training processes. Rinse FM is a community radio station, and this was its first recorded breach of the Code.
91. **22 December 2020, Worldview Media Network Limited (Republic Bharat):**<sup>22</sup> Ofcom imposed a sanction that comprised a £20,000 financial penalty, a direction not to repeat the programme, and a direction to broadcast a statement of findings for breaches of Rules 3.2, 3.3 and 2.3 of the Code. The breaches related to an episode of 'Poochta Hai Bharat', a current affairs discussion programme presented by Arnab Goswami. Ofcom found the programme contained uncontextualised hate speech which was also potentially highly offensive. In the programme, the presenter and some of the guests conveyed the view that all Pakistani people are terrorists and featured further derogatory statements regarding Pakistani people. We considered these statements to be expressions of hatred based on intolerance of Pakistani people due to their nationality alone, and that the broadcast of these statements spread, incited, promoted and justified such intolerance towards Pakistani people among viewers. There was a sustained and repeated attack on Pakistani people throughout the programme. Ofcom considered these breaches to be extremely serious. While the licensee had a history of Code breaches, this was the first breach of our rules for hate speech. The licensee broadcast an apology 280 times and took steps to improve internal compliance.
92. **3 November 2020, Islam Channel Ltd (Islam Channel):**<sup>23</sup> Ofcom imposed a sanction that comprised a £20,000 financial penalty, a direction not to repeat the programme, and a direction to broadcast a statement of findings for breaches of Rules 3.2, 3.3 and 2.3 of the Code. The

<sup>21</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/content-sanctions-and-adjudications/sanction-decision-rinse-fm.pdf?v=327565>.

<sup>22</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/content-sanctions-and-adjudications/sanction-decision-worldview-media-network-limited.pdf?v=325677>.

<sup>23</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/content-sanctions-and-adjudications/sanction-decision-islam-channel.pdf?v=325442>.

breaches related to an episode of ‘The Rightly Guided Khalifas’, a pre-recorded religious education series on the history of the Qur’an. This ascribed a perpetually negative characteristic to Jewish people; namely corrupting Holy Books and seeking the destruction of Islam in both ancient and more recent times. It conflated Israel and Jewish people, characterising Jewish people as “tyrannical” and having an “evil mind”. The segment also used further negative and stereotypical terms to describe Jewish people. Ofcom considered this programme promoted and justified hatred towards Jewish people and therefore constituted hate speech. We also considered that the antisemitic hate speech and other material broadcast in the programme that was abusive or derogatory about Jewish people would have been both harmful and highly offensive to some viewers of the programme and potentially damaging to relationships between Jewish and Muslim communities. While the licensee had a history of Code breaches, this was the first breach of our rules for hate speech by the licensee. An apology was broadcast nine months after the original broadcast.

93. **19 December 2018, Radio Ikhlas Limited (Radio Ikhlas):**<sup>24</sup> Ofcom imposed a sanction that comprised a £10,000 financial penalty, a direction not to repeat the programme, and a direction to broadcast a statement of findings for breaches of Rules 3.2, 3.3 and 2.3 of the Code. The breaches related to the broadcast of a live phone-in programme, in which a presenter, who was a local imam, had discussed the beliefs of the Ahmadiyya community in offensive and pejorative terms. Ofcom concluded that the material constituted hate speech, sustained for 21-minutes, which was intended to spread, incite, promote or justify hatred against Ahmadi people on religious grounds. The licensee failed to monitor its live output on the day of the contravention, and it did not broadcast an apology for over a month after Ofcom had contacted it about the programme. This was the first breach of our rules for hate speech by the licensee. Radio Ikhlas Limited was a community radio station.
94. While Ofcom considers the cases listed above to be relevant to the current case, we note that, as set out in the Penalty Guidelines, Ofcom may depart from these cases depending on the facts and context of the current case.

#### **The size and turnover of the regulated body when considering the deterrent effect of any penalty**

95. As set out in our Penalty Guidelines, the central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to ensure compliance, having regard to the seriousness of the infringement. Ofcom will impose a penalty which is appropriate and proportionate, and which will act as a deterrent, taking into account the size and turnover of the Licensee, and the Licensee’s and audience’s rights to freedom of expression under Article 10 of the Convention.
96. We acknowledge that Markaz-Al-Huda no longer holds a broadcast licence after having surrendered its licence in October 2024, and that the Salaam BCR service has ceased broadcasting in the UK.<sup>25</sup> Therefore, there is no longer a risk of future non-compliance by Markaz-Al-Huda in respect of the Salaam BCR service in this case. Nonetheless, Ofcom is concerned to ensure that enforcement against serious breaches of the Code acts as a wider deterrent against non-compliance by broadcasters in general. Accordingly, Ofcom considered what would be an appropriate and proportionate sanction, which would act as an effective deterrent, had Markaz-Al-Huda continued to hold a broadcast licence and broadcast via the licensed Salaam BCR service.

<sup>24</sup> See: <https://www.ofcom.org.uk/siteassets/resources/documents/about-ofcom/bulletins/content-sanctions-and-adjudications/radio-ikhlas-sanction-decision?v=323606>.

<sup>25</sup> See Footnote 2.

97. In reaching its decision on the imposition and level of a sanction, Ofcom has taken account of the financial information provided by the Licensee in respect of the Salaam BCR service.
98. For the last complete accounting period ended 31 March 2024, the Licensee explained that ~~£~~[REDACTED]. This figure is reflected in the Financial Report provided by the Licensee and is also reported in the micro company accounts for the same period filed with Companies House.<sup>26</sup>
99. In addition, Ofcom notes that the ~~£~~[REDACTED]. The Licensee did not separately provide information regarding what proportion of this figure reflects the total income from advertising, sponsorship or commercial references included in the Salaam BCR service, in line with what is considered “qualifying revenue” under section 102 of the 1990 Act.
100. Ofcom has also taken into account the following information provided by the Licensee:
- i. Markaz-Al-Huda’s income since April 2024 is ~~£~~[REDACTED].
  - ii. Markaz-Al-Huda is ~~£~~[REDACTED].
101. The Licensee further stated that “it is obvious, any financial penalty from Ofcom will force extreme hardship ~~£~~[REDACTED]” and “any financial penalty will only jeopardise our existence and many years of voluntary effort, of which the Ofcom team are well aware”.
102. We have had regard to the fact that Salaam BCR was a community radio station. We have also acknowledged that Markaz-al-Huda is a registered charity that is largely staffed by volunteers and the potential impact of a financial penalty on its ability to conduct its ongoing non-licensed activities.<sup>27</sup> However, it is incumbent on all broadcasters to abide by the Broadcasting Code, including community radio stations. In light of the serious nature of the breaches as detailed in paragraphs 56 to 59, we considered that it is particularly important to ensure that the financial penalty operates as an effective deterrent.
103. For all the reasons set out above, Ofcom considered it would be proportionate to impose a financial penalty on the Licensee of **£3,500**.

#### Sanction Decision

104. Having regard to all the circumstances referred to above, including the need to achieve an appropriate level of deterrence to both the Licensee and other broadcasters and the serious nature of the Code breaches in this case, and all the representations to date from the Licensee, Ofcom’s Sanction Decision is that an appropriate and proportionate sanction would be a financial penalty of **£3,500**.
105. In Ofcom’s view, this sanction is appropriate and proportionate in the circumstances of this case and should send a clear message of deterrence.

#### Ofcom

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<sup>26</sup> See: <https://find-and-update.company-information.service.gov.uk/company/05832299/filing-history/MzQ0NTk0MDI1NGFkaXF6a2N4/document?format=pdf&download=0>.

<sup>27</sup> See: Register of Charities (Markaz-Al-Huda Ltd, Charity Number 115770): <https://register-of-charities.charitycommission.gov.uk/en/charity-search/-/charity-details/4024456/charity-overview>.