

# Finding of the Editorial Standards Committee of the BBC Trust

## **BBC Radio 1's Big Weekend 2014**

Finding of 20 October 2014

## Summary

Radio 1's Big Weekend is a well-established music festival and the most significant live broadcast in the station's calendar. It has been running since 2003 and is the largest free ticketed music festival in Europe. This year it took place in Glasgow between Friday, 23 May and Sunday, 25 May. The event included live performances at two stages in the city and was given comprehensive coverage on Radio 1 – which broadcast 16 full live sets from the main stage. There was also coverage of the sets live via Radio 1's online page.

On Saturday, 24 May there were a number of uses of offensive language included in song lyrics. In total, there were seven instances of fuck or its derivatives between 5.30pm and 7pm by two artists; Lily Allen and Ed Sheeran.

The Executive reported these Breaches of the Editorial Guidelines orally to the Editorial Standards Committee of the Trust (the "Committee") on 3 July and 11 September 2014.

The Committee considered this was a serious breach of the Editorial Guidelines for Harm and Offence. They were particularly concerned that there had previously been instances of strong language being transmitted during The Big Weekend and in other live outdoor music events. Trustees requested that the Executive provide answers to various questions with a view to identifying the editorial failings that occurred and considered whether appropriate measures were in place to prevent similar breaches in future.

## Background

On Saturday, 24 May 2014, Lily Allen's performance was transmitted live from the main stage in Glasgow between 5.30pm and 6.15pm. Her set comprised eleven songs, the lyrics for three of which contained the strongest language.

Before the live performance began, the presenter gave the following warning:

*"Now don't forget this set may contain some strong language – it is live on Radio 1's Big Weekend – We're about to see Lily Allen. If you're easily offended please go to the website and check out some other performance".*

The first song played was Sheezus which included the line: "Kid ain't one to fuck with when she's only on her debut". Following the first use, at 5.32pm, the presenter gave an immediate apology and warned:

*"Remember this is a live performance – so some of it may contain strong language. If you're offended by the language, sorry about that".*

The line was repeated twice later in the track and the apology was repeated at the end of the song. The presenter said:

*"We apologise again if you were offended. We do apologise about any of the language or content you may have heard in that last track. This is a live performance by Lily Allen.*

*There may also be some in this next song. So if you are listening with your kids at the moment or with small children you might want to turn this down or sit this next one out.”*

There was a single use of fuck at 5.43pm during the fourth track, Smile, which included the lyrics: “...you were  *fucking that girl next door*”. The presenter gave an apology after the song. The ninth song, The Fear, included two further uses of strong language at 6.04pm, in the lines; “...*want loads of clothes and fuckloads of diamonds*” and; “...*that's what makes my life so fucking fantastic*”. The presenter issued an apology during the song and again at the end.

At 6.39pm, the presenter gave a further warning:

*“As with all these performances today it is live from Radio 1’s Big Weekend so there may be some bad language, so if you’re easily offended go to the website and check out some of the other content from the festival”.*

At 6.45pm, Ed Sheeran said “ *fucking*” during his live set. Immediately afterwards, the presenter broadcast an apology, with a second apology after the end of the following track.

The output has been the subject of a number of complaints to Ofcom. Ofcom has upheld the complaints as a breach of the Broadcast Code which states: “*The most offensive language must not be broadcast... when children are particularly likely to be listening*”.

### **Applicable Editorial Guidelines**

The full guidelines are at <http://www.bbc.co.uk/editorialguidelines>. The section on Harm and Offence (Section 5) is relevant to this case and appropriate sections are at the end of this finding.

### **Response from the Executive**

The BBC Executive provided a written report to Trustees into the breach. This noted the importance to the BBC of broadcasting live events as they happened. The Executive considered this was a significant part of the understanding between the BBC and licence fee payers. In particular, the BBC was keen that Radio 1’s audience should, as far as possible, be able to experience the atmosphere of the live music festival, even though they were not present.

The Executive provided information about the makeup of the audience during the transmission. Between 5.30pm-6.15pm Radio 1’s audience was, on average, 654,000. Of the total audience, approximately 25,600 were children aged between 10 and 14 – that is, 3.9%.

The BBC stated that Radio 1 took language issues extremely seriously - a risk assessment and compliance process was in place and a senior editorial figure was present during all live sets across the Big Weekend event.

While recognising the need for additional care at times when children were particularly likely to be listening; they considered Lily Allen's appeal was centred around the core 15-29 year old target demographic and that the warnings given were sufficient to allow this audience to make an informed choice about whether to continue listening to the broadcast.

The BBC set out the measures that were in place to limit the risk of strong language being transmitted.

- Performances were very clearly sign-posted to listeners, with appropriate language warnings prior to each performance.
- All acts were assessed for the level of risk they presented. Lily Allen and Ed Sheeran were considered Category B, or Medium Risk, meaning there was: "*some history of swearing although not excessive, occasional swearing in lyrics and speaking segments*".
- All main stage performers were informed via their record company representatives that their performance would be broadcast live on Radio 1. They were reminded that they should not swear and this was repeated in the Artist Guidelines sent out in the week prior to the event.
- During the festival, signs were placed in dressing rooms, which stated:

*PLEASE REMEMBER THERE CAN BE NO SWEARING DURING YOUR SET AS YOUR PERFORMANCE IS BEING BROADCAST LIVE.*

- A senior editorial figure was present throughout the transmission.

The Executive noted that the Senior Editorial Figure had considered cutting away from the broadcast during the fourth song of the set – the second to contain the strongest language. However, given the likely audience composition and the clear signposting and apologies that had already been given, decided to continue coverage. There was then a period of twenty minutes when the performance continued without incident until the final instance of the strongest language shortly after 6pm. Again, the Senior Editorial Figure considered cutting away from the performance but decided – in the light of the number of warnings that had been given and that the set was nearly over – to continue coverage.

Trustees sought further information from the Executive to enable them to understand more fully the editorial controls that were in place prior to the breach. They were concerned to know whether the artists had provided set lists to the BBC in advance; whether the BBC had checked the lyrics of the songs listed for strong language; how the BBC responded once it was aware that some lyrics did include offensive words. Trustees sought information about whether the BBC raised these points directly with the artists – both in advance of the event and on the days of the performance – or whether all communication was through a third party. Trustees asked whether artists were aware that they ran the risk of the BBC cutting away from their sets if they used offensive language; how senior the editorial figure was who oversaw live output; and whether there

was an understanding that cutting away from the live performance was the last option and that the BBC should do its utmost to avoid this.

The Executive sent further responses, which made the following points:

- Representatives of all artists were sent information packs which included the following statement:

*“Please remind your artists that they **must not use bad language on stage** as all performances will be video-streamed live and many broadcast live on Radio 1, BBC3 and red button.”*

- The same information was included in the itinerary sent to the representatives. There were signs in the dressing rooms which read:

*PLEASE REMEMBER THERE CAN BE NO SWEARING DURING YOUR SET AS YOUR PERFORMANCE IS BEING BROADCAST LIVE*

- The BBC had a set list of the tracks Lily Allen intended to perform. These were checked to see whether they contained strong language, however it was apparent that while some songs did include offensive terms, there were also alternative versions of lyrics that were used in “radio edits” of songs. The BBC stated: “*on the vast majority of occasions artists self-edit their lyrics during live radio performances*”.
- On considering the lyrics – and the various different “radio edit” versions of the songs that existed – the BBC considered Lily Allen was Category B, medium risk. To mitigate this risk, warnings were given to audiences to emphasise the live nature of the event and presenters were alerted to the risk of strong language being used so that they could respond promptly.
- The BBC noted that Lily Allen had performed live a number of times previously on Radio 1 without incident. The Executive had not sought specific assurances from her or her record company in relation to the strong language in the songs she had chosen on this occasion because they believed she fully understood the boundaries of what language was acceptable – and that she would self-edit, as she had done on previous occasions.
- In terms of whether artists were aware of the risk that the BBC would cut away from a live performance if it included strong language, the BBC stated that they had worked on the “*natural assumption*” that artists and their agents would be aware of this. However, this would be addressed in the amended policy so that it would be stated explicitly in advance of future events.
- On the day of the output, Lily Allen’s record company was reminded – both by the BBC and by a representative of DF Concerts – that the output was to be broadcast live and should not include offensive language.

- The editorial figure in charge on the day was a senior employee at the station. The factors he bore in mind when considering whether to cut away from the live broadcast were:
  - Strong language content warnings had been given out on-air throughout the afternoon allowing the audience to make an informed choice;
  - it was later in the afternoon/early evening;
  - the exceptional nature of the live event and the audience expectations of it;
  - Lily Allen's fanbase was likely to be among 16-29 year olds rather than younger teenagers.
  
- The BBC noted that Radio 1 had cut away from Pharrell Williams' set earlier in the afternoon when, although he had self-edited, his backing singers had used offensive language – albeit that the language then was less offensive.

Additionally, the Executive stated that Radio 1 had considered the strong language that had been broadcast during its Big Weekend in 2014 and also broadcast during a previous Big Weekend broadcast in 2011. They noted that Radio 1 undertook to broadcast a significant number of live performances throughout the year, the vast majority of which passed off without incident. However, they were aware that on two significant occasions offensive language had been broadcast during the Big Weekend performances. They considered that the different atmosphere of these festival performances could lead to artists being more focused on the crowds in front of them, rather than the radio audience listening at home.

The Executive advised Trustees that Radio 1 was developing a new policy in relation to the coverage of live music output in festival-type performances. It informed Trustees that it would be significantly tightening editorial control in advance of each performance to minimise risk beforehand and there would be clearer guidance about cutting away from a live performance in the event of strong language being used. A list of words that would be considered offensive enough to trigger cutting away from a live performance would be drawn up and would include the strongest referable language currently set out in the Editorial Guidelines. The guidance would apply to output broadcast on Radio 1 before 7pm. The guidance is in the process of being drawn up but is expected to include the following additional measures:

- Artists should be informed – either directly or through their representatives – that instances of the strongest language would result in live coverage being ended.
  
- Artists would be informed – either directly or through their representatives – that where the BBC took the decision to cut away from a live broadcast, there would be no guarantee that it would be broadcast at a later date. This would be stipulated in advance and, where possible, reiterated on the day.
  
- Artists should be informed – either directly or through their representatives – that the use of other strong language could result in the cessation of any live broadcast at the discretion of the senior editor present.

- Record company representatives would be asked to ensure that all backing singers were also aware of language restrictions.
- Additional information would be considered for non-UK artists who might not have an awareness of the language that would and would not be considered acceptable.
- Set lists for performances should be obtained in advance and song lyrics checked for potential strong language.
- Specific assurances would be sought if a song's original lyrics included strong language that the artist would self-edit.
- Without such assurances, editors should consider not broadcasting the output live, or not transmitting it at all.
- Notices in dressing rooms should be amended to specifically warn artists that they risked live broadcasts of their performances being pulled:

*YOUR SET IS BEING BROADCAST LIVE – PLEASE DO NOT SWEAR ON STAGE.  
 INSTANCES OF STRONG LANGUAGE WILL RESULT IN YOUR PERFORMANCE BEING  
 DROPPED FROM RADIO 1'S LIVE COVERAGE OF THE EVENT.*

### **The Committee's Decision**

The Committee considered the complaint against the relevant editorial standards, as set out in the BBC's Editorial Guidelines. The Guidelines are a statement of the BBC's values and standards.

The Committee noted that the Guidelines relating to Harm and Offence were relevant to this appeal. They noted that radio did not have a watershed, but that scheduling decisions had to take into account audience expectations and had to be informed by knowledge of when children were particularly likely to be listening. They noted too that clear signposting could be used to minimise the risk of causing offence. They noted that the context in which strong language was used, the choice of words and the identity of the speaker were all factors that would influence the extent to which it was likely to cause offence.

They acknowledged that in terms of the tone of the output, the strong language used in lyrics was not used as a form of abuse or in anger but was part of the artistic construction and force of the songs. They considered too that it was not always easy to discern the strong language. However, they also noted that the output was broadcast during a weekend afternoon on a network that was aimed at a younger audience. They noted the following Editorial Guideline related to the strongest language:

**5.4.22** - *We must not include the strongest language before the watershed, or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a significant proportion of children*

Trustees were keenly aware that Radio 1's Big Weekend was a highly significant event in the network's calendar, it was a huge undertaking and they considered that it ought to strengthen listeners' loyalty to the network and artists' relationships with the BBC. They acknowledged there was a tension between the justifiable editorial desire to bring an authentic live festival atmosphere to a wide radio audience and the need to protect listeners – particularly children – from strong language which may be used.

They were mindful that this was not a new dilemma facing Radio 1 Executives – the festival has been running for more than a decade. It was widely promoted on air in advance and the Executive would have known that, even though children were not its principal audience, they would have been included among the listeners at teatime on a Saturday.

Trustees noted that Radio 1's Big Weekend in 2011 included the live broadcast of four instances of fuck or its derivatives during a set by the Black Eyed Peas. That was the subject of a complaint to Ofcom. At the time, Ofcom considered the complaint was resolved by the actions the BBC had taken in advance of the concert – which included that it had warned acts that it was “imperative” that live sets should contain no strong language. Ofcom had subsequently issued new Guidance following its finding. This acknowledged broadcasters had to find a balance between taking an acceptable risk when transmitting live output with the requirement to take appropriate measures to ensure people under 18 are protected. Ofcom's Guidance stated:

*Broadcasters should note that as well as taking steps to avoid strong language during live performances, they must also be vigilant during the broadcast itself for any potential breaches of the Code and where necessary take timely action during the broadcast to prevent them.*

Trustees were also aware of previous instances in live outdoor music broadcasts – although not on Radio 1 – where artists had used offensive language either within song lyrics or during dialogue with the audience. Trustees therefore expected that Radio 1 would have robust procedures in place to reduce the risk of strong language being broadcast and to mitigate the offence that would be caused by any broadcast of offensive language.

Trustees noted that the Executive had checked the lyrics of songs that were to be sung – and were alert to those which could include offensive language. However, they noted that the BBC had not sought assurances that “radio edit” versions would be performed; nor had it specifically warned artists that the BBC could break away from a live broadcast if offensive language was used. Trustees were concerned that the BBC appeared to rely on the artists judging what was acceptable and considered it was an important part of editorial oversight that the BBC should take responsibility for this.

They noted that new guidance had been drawn up which recognised that, in a live festival-type event, it was possible a performing artist would focus on the large audience they were performing in front of, rather than the wider audience that was watching or listening at home.

Trustees noted that the new guidance placed the responsibility on the BBC to be aware of songs that were of particular risk in advance, to raise those specifically with the record industry and, if they were not given sufficient reassurance, to consider delaying the broadcast of the performance, or not broadcasting it at all.

Trustees noted that the artists would in future be provided with clearer information about what constituted strong language, about the necessity not to use offensive language and the measures that would be taken if they did.

Trustees were aware that a number of listeners had complained about the repeated warnings and apologies that had been broadcast during the event. They noted that the Executive's original intention had been to bring an authentic festival atmosphere to the radio audience. They considered that having tighter editorial controls prior to the event would be more likely to result in future broadcasts successfully conveying the atmosphere of the event without the need for additional apologies.

Trustees were particularly concerned that this breach had come after several similar incidents in which the BBC had broadcast high profile music events which had included offensive language. They noted previous occasions when this had taken place: July 2005's broadcast of Live 8; July 2007's broadcast of Live Earth and Radio 1's Big Weekend of 2011. They considered that the BBC had an even greater degree of responsibility in regard to Radio 1's Big Weekend because it had editorial control in advance that it would not necessarily have over other events. They considered that, while artists were not paid for their performances, it was not the case that they did not benefit from taking part. They were able to reach a very wide audience, had the benefit of wide TV, radio and online coverage and had the advantage of widespread publicity that came with the coverage.

Trustees found that in relation to the output broadcast live on Radio 1 and online there had been a serious breach of the Editorial Guidelines for Harm and Offence; in particular, Guideline 5.4.22 which states: "*We must not include the strongest language before the watershed, or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a significant proportion of children.*"