



*Investigation of Alleged  
Breaches of the  
Broadcasting Programme  
Code by Manx Radio -  
Findings and Decision*

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DN/03/2020

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*24<sup>th</sup> June 2020*

## 1. Overview

- 1.1. The context of this investigation is that the show was broadcast at a time of the Black Lives Matters marches and protests which have taken place in many places, including the Isle of Man. The catalyst for these marches was the killing of George Floyd. At the outset the Communications Commission (the Commission) would like to acknowledge this and condemn this brutal act. The Commission views it as an unacceptable fate for any person in a modern society.
- 1.2. It is also necessary to mention at the outset that the Commission's role in this matter is confined to whether Manx Radio breached the Broadcasting Programme Code<sup>1</sup> (the Code), and by extension its licence conditions as a result of a programme that aired on the night of the 3<sup>rd</sup> of June 2020; specifically 'The Late Show' that aired between 10pm and 1am (the Broadcast). It is not the Commission's role to adjudicate on the validity or otherwise of arguments and/or opinions, simply whether they were aired in a manner that was in contravention of the Code.
- 1.3. Likewise, the Commission does not have any part to play in the disciplinary proceedings of other parties, including Manx Radio, nor does it have a remit to investigate or censure individuals. Any Staff Disciplinary proceedings are at the licence holders discretion. The Commission licences and regulates broadcasters on the Isle of Man. All broadcasters operating from places in the Isle of Man require a licence from the Commission; a condition of every licence is compliance with the Code and responsibility for ensuring compliance rests with licence holders.
- 1.4. The Broadcast in question is a current affairs discussion show where people are free to call, text, and email (hereafter collectively referenced as callers) to discuss topical issues; the show is largely unscripted and is branded as '*late, live, and unleashed*'. The introduction to the programme states:

*"This is Manx Radio, broadcasting from Douglas in the Isle of Man.*

*The following programme, 'Stu Peters, Late, Live and Unleashed', encourages lively, but responsible adult debate on a veritable cornucopia of topics.*

*Those of a nervous disposition, who are easily upset or unwilling to engage in spirited banter should turn off now. Contributors who stray beyond what is considered legal, honest, truthful and decent, may be held responsible for their actions.*

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<sup>1</sup> <https://www.iomcc.im/media/1006/broadcasting-programme-code.pdf>

*Comments by the presenter are often inane, banal or just plain wrong-minded and they're not necessarily endorsed by the radio station. Snowflakes, or those offended by proxy, should press the off button in 3, 2, 1... oh good, you're still here. Let's play."*

- 1.5. To summarise, a caller rang into the programme to discuss a post which the presenter, Stu Peters, had made on a local social media platform which referenced the Black Lives Matters march which was planned in the Isle of Man. It was alleged that the Broadcast amounted to a breach of the Code, specifically Section 1.8 (i) of the Code that deals with the treatment of ethnic minorities. Comparisons made by the presenter to the issue of prejudice suffered by people of colour were further alleged to have been inappropriate and amounting to a breach of the Code.
- 1.6. There was an additional issue where the use of the term 'coloured' to describe a person of colour was alleged to have amounted to a breach of the Code, and that the presenter not correcting the use of the term on air was inappropriate.
- 1.7. The Commission received a total of 40 representations in relation to the Broadcast, 13 were complaints about comments made during this programme and a further 27 comments were received from individuals who were supportive of the broadcast. Further details are provided in Section 3.
- 1.8. In this document the Commission outlines the legislative framework that is applicable to the investigation of such issues in the Isle of Man and determines the provisions that are applicable in this instance.
- 1.9. An overview of the representations received on this issue is provided. Please note that only representations made directly to the Commission, the origin and veracity of which can be ascertained have been considered. In cases where more than one representation may be made by an individual they are treated as a single representation.
- 1.10. Finally the Commission makes its determinations and findings having considered all of the evidence at hand.

## **2. Legislative Basis**

### **Background**

- 2.1. All licensed broadcasters have a duty to adhere to the Code as a condition of their licence. The Commission put in place the Code under the Broadcasting Act 1993<sup>2</sup> (the Act), specifically, Section 6 "Codes of Practice, etc."
- 2.2. It should be made clear at the outset that the Commission's role in matters such as this is to ensure principles in the Code are upheld during broadcasts. People

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<sup>2</sup> <https://www.iomcc.im/media/1007/broadcasting-act-1993.pdf>

taking part in broadcasts have the right to hold and express their opinions, it is not the Commission's role to adjudicate on the validity of individual opinions but to determine if the licence-holder has breached the Code.

- 2.3. Freedom of Expression is enshrined in the Code, however it must be viewed in the overall context of the Code. There is a responsibility on all licensees to ensure "*fairness and respect for the truth*" and that is carries with it "*duties and responsibilities*", and as such the restrictions set out in the Code apply.
- 2.4. The Code sets the editorial standard audiences are entitled to expect from broadcasting services in the Isle of Man. It aims to ensure that debate and freedom of expression are protected while emphasising the responsibility to ensure that they are conducted in a fair and balanced way and that due sensitivity is shown when dealing with matters that may be considered emotive or offensive.
- 2.5. The Commission is therefore required to consider whether the Broadcast in question constitutes a breach of the Code by Manx Radio as the licence holder.

## The Code

- 2.6. The Code is a set of guidelines that covers a broad range of potential issues, therefore the Commission must first determine the applicable sections of the Code when considering complaints. In this instance the Commission deems it is most appropriate to consider the matter under Section 1.8, most specifically 1.8 (i), of the Code, which states:

### *1.8 RESPECT FOR HUMAN DIGNITY AND TREATMENT OF MINORITIES*

*Audiences have a right to expect that licensed services will reflect their responsibility to preserve human dignity, as far as possible, in respect of both individuals (see Section 2) and individuals as members of groups. Individuals should not be exploited needlessly or caused unnecessary distress, nor should the audience be made to feel mere voyeurs of others' distress.*

*In particular, consideration should be given to the treatment of vulnerable minorities, bearing in mind the likely effects of both misrepresentation and under-representation.*

#### *1.8 (i) Ethnic Minorities*

*No programme should be transmitted which is intended to stir up racial hatred or, taking into account the circumstances, is likely to do so: where appropriate, schedules should give a fair reflection of the contribution of all races to society.*

*Racist terms should be avoided. Insensitive comments or stereotyped portrayal may cause offence. Their inclusion is*

*acceptable only where it can be justified within the context of the programme.*

*Careful account should be taken of the possible effect upon the racial minority concerned, as well as the population as a whole, and of changes in public attitudes to what is, and is not, acceptable.*

- 2.7. This leaves the Commission with two core issues for consideration in relation to the Broadcast, specifically, whether :
- i. there was intent to stir up racial hatred, or it was likely to do so; and,
  - ii. there was use of racist terms, insensitive comments, or stereotypes not in keeping with the context of the programme.
- 2.8. Should it be found that either of the above are applicable the Commission must then consider the possible effect of the Broadcast on the racial minority concerned, as well as the likely impact on the wider population. The Code is clear that this should be viewed through the lens of the prevailing public attitude as to what is considered acceptable as this can vary depending on time and context.

### Freedom of Expression

- 2.9. The Commission also has an obligation to consider Freedom of Expression. It is the Commission's view that debates such as the one during the Broadcast are a necessary part of the democratic process and acknowledges individuals' rights to hold and express opinions during such broadcasts, an important consideration is that such debates should be open and balanced.
- 2.10. The Code specifically deals with the issue of Freedom of Expression and states:

*1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

*2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by 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 or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

*Licensees may make programmes about any issues they choose. However, the method of treatment is limited by the obligations of fairness*

*and a respect for truth, two qualities which are essential to all factually based programmes*

- 2.11. It is clear the Commission is obliged to strike a balance between the right of people to expect that licensed services will preserve human dignity, as far as possible, and to preserve the right of freedom of expression.
- 2.12. During the Broadcast there were individuals involved in the debate from both sides – there were several callers who felt very strongly in favour of the Black Lives Matter movement and the protests in Douglas, and also several callers who did not share the same views. The format afforded each participant sufficient time to express their views and provided the opportunity to counter previously expressed opinions.
- 2.13. In addition to this, the Commission notes that the presenter read out a number of communications received by text or email throughout the Broadcast – some particularly critical of the presenter himself, and others supportive.
- 2.14. Aside from callers' rights to Freedom of Expression, the Commission cannot discount Manx Radio's, and by extension its presenter's right to the same. It is acknowledged in the Code that Freedom of Expression is not a right to say anything without restrictions.
- 2.15. The Commission notes that the debate surrounding the matter at hand occupied nearly the entirety of the scheduled broadcast and, bearing in mind that issues surrounding race are typically emotive topics, was conducted, for the most part, in a calm and open manner.
- 2.16. In summing up the Commission notes that in relation to the Code neither the right for people to expect that licensed services will reflect their responsibility to preserve human dignity, nor that of freedom of expression are absolute rights. In relation to the former there is a caveat of "*as far as possible*" and the Code does provide for material that could be deemed offensive to be aired within the context of the programme. Likewise, in relation to freedom of expression it is noted that it comes with "*duties and responsibilities*" and the Code itself tempers this right; therefore the freedom of expression does not equate to an individual being able to say anything they want, they are free to express opinions, but within the confines and general spirit of the Code.

### **3. Representations**

- 3.1. A total of 40 representations were made to the Commission in relation to the Broadcast. These were from individuals and from one organisation which promotes freedom of speech. 13 of these representations made complaints (either directly or indirectly) alleging a breach of the Code, and 27 representations were received that claimed (either directly or indirectly) that there was no breach of the Code. While in cases such as this the Commission does not publish the correspondence

it receives in full<sup>3</sup>, it is useful to provide a broad overview of the dominant themes contained within them. The figures are correct as of 5pm on the 19<sup>th</sup> June 2020.

- 3.2. A common theme within the representations that alleged a breach of the Code were that the presenter's comments were disrespectful and/or racist, particularly towards one of the callers who identified as black at the beginning of the call.
- 3.3. It was held by some that there were racist comments made during the Broadcast. Some specific examples were cited, such as the term "*blacker than black*" to describe an acquaintance of the presenter and the use of the phrase by a caller "*coloured*" as a term to describe a caller who had identified as black.
- 3.4. A further complaint theme was that the presenter compared racist attitudes of other people to be akin to discrimination against individuals due to other characteristics such as hair colour, or being overweight, or being unable to swim and that this was offensive. It was also held that the treatment of the issue of 'white privilege' during the broadcast was insensitive and/or racist.
- 3.5. The broad themes within the correspondence that were claiming there had been no breach of the Code or who were supportive of the Broadcast were as follows. Some commented that the programme itself was intended to debate topics and listen to differing viewpoints and that the presenter's comments were the expression of a valid opinion and that a range of views and opinions were aired throughout the programme. Some claimed that what some people find offensive may not be deemed offensive by others.
- 3.6. Others cited free speech as being an important consideration, alongside the fact the presenter read out several critical texts and emails received throughout the programme about him personally. It was held by some commenters that while some views and opinions may be offensive to some it does not justify the effective censorship of them.
- 3.7. Some commenters did not believe that there were any racist comments made at any point in the show by the presenter. Some raised the fact the presenter strongly condemned the death of George Floyd in America, which had been one of the catalysts for the recent movement.

## 4. The Investigation Considerations

- 4.1. As part of its investigation, the Commission has considered the breadth of evidence before it including:

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<sup>3</sup> The Commission has the full information at its disposal during its decision making process, however it is considered best practice to treat individual complaints, especially those made by members of the public, as confidential.

- i. comments received from individuals who wrote directly to the Commission whose origins can be verified<sup>4</sup>;
- ii. A statement provided by Manx Radio to the Commission; and,
- iii. The Broadcast itself.

## Process

- 4.2. Following the correspondence received, and the fact that Manx Radio had referred the matter to the Commission, contact was made with Manx Radio on 4<sup>th</sup> June 2020 in order to formally advise it of the decision to investigate the comments made during the Programme, as well as to require Manx Radio to provide:
  - i. The unedited live recording of the Broadcast in its entirety and a transcript of same; and,
  - ii. Manx Radio's views on how the Broadcast was in compliance with the Code.

All required information was forthcoming and provided within the timelines given.

## Manx Radio's Views

- 4.3. The Commission has a duty to act fairly when conducting investigations, and an important facet of this is to afford parties subject to allegations a right to reply. Ultimately the responsibility for ensuring compliance with the Code rests with Manx Radio, in this instance, and it outlined how it believed the Code had not been breached in its response.
- 4.4. Manx Radio outlined that it does not believe that the Broadcast contravened the Code as it was "*certainly not aimed to stir up racial hatred*" and commented on how the Manx Radio mid-morning show had taken part in 'Black Out Tuesday' a day previous to the Broadcast, alongside a number of other radio stations globally.
- 4.5. Manx Radio did accept that the presenter should have challenged the caller's use of the term "*coloured*" and noted how it was "*sometimes easier, in the calm light of reflection, to see these issues more clearly than whilst in the midst of a live programme*".
- 4.6. Manx Radio stated that there were opinions on both sides of the conversation and that whilst this is a contentious and divisive issue for some, it is an important issue that should be opened up to wider and inclusive conversation. It pointed out the nature of the Programme is that it is a phone-in programme, with honest views expressed which may be uncomfortable to some listeners – however that is the essence of free speech in the Isle of Man democracy.

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<sup>4</sup> Comments made on social media do not form part of the Commission's considerations as for the most part the origin and veracity of such comments cannot be easily determined.

- 4.7. Manx Radio further pointed out that the presenter did not at any point shy away from reading out comments received from listeners calling him a racist.

## 5. Considerations

- 5.1. As in all investigations the Commission is subject to a certain burden of proof when considering the evidence before it; this matter is most appropriately viewed on the 'balance of probability'. The Commission considers the issue as outlined in paragraphs 2.7 and 2.8 above.
- 5.2. The Commission has carefully studied the transcript, but also listened to the audio Broadcast, since the tone with which things are being said is important and can only be ascertained from listening to the Broadcast.

### Intent to Stir Up Racial Hatred

- 5.3. Section 18.1(i) of the Code specifically states: "*No programme should be transmitted which is intended to stir up racial hatred or, taking into account the circumstances, is likely to do so*". Whether or not there was intent is the initial consideration.
- 5.4. In this instance the Commission has determined that there is sufficient evidence that Manx Radio did not intend to stir up racial hatred, nor was likely to do so; this evidence is considered further below.
- 5.5. The nature of the programme is that callers are free to bring up any topic for debate within the Programme. The issues at the core of the matter were raised by callers to the show, it was not a pre-scripted broadcast, and it had not been edited. While during the course of the Broadcast there were some comments that could conceivably fall within the realm of insensitive language, on the balance of probability they were not intended to stir up or encourage racial hatred, nor were they likely to do so. The fact that comments were made during a live broadcast in response to issues raised by callers to the programme and unlikely to be premeditated therefore count against intent being factor.

### Use of Racist Terms, Insensitive Comments, or Stereotypes

- 5.6. The following part of 18.1(i) states: "*Racist terms should be avoided. Insensitive comments or stereotyped portrayal may cause offence*" and only allows for use of same where it can be justified within the context of the programme.
- 5.7. In relation to the Broadcast the use of the terms "*blacker than black*" and "*coloured*" have both been identified as potentially falling within this section of the Code. Additionally, the comparison of the experiences of people of colour to people with a particular hair colour, obese people, or people who cannot swim has been called into question. Each of these issues has been considered by the Commission on their own merits.

- 5.8. In relation to the use of the term "*blacker than black*", it arose when a caller challenges whether the presenter believes he would have been successful in obtaining his job 20 years ago if he was black. The presenter responded "*Yes, because the last black friend that I had was a DJ who did radio with me back in Manchester called Big Al Rockwell, who was blacker than black*".
- 5.9. Within the context of the conversation, on the balance of probability this was not intended to be a derogatory description of an individual. Nor was it likely that the comment was intended to cause offence or upset to an individual or group of people. However, the Commission acknowledges that it could be viewed as an insensitive comment within the context of the Code.
- 5.10. In relation to the use of the term "*coloured*" the Commission notes that in mitigation the comment was made by a caller to the show rather than a Manx Radio employee. However, there is still a requirement for Manx Radio to ensure adherence with the Code in how the comment was managed in the context of the show.
- 5.11. The term "*coloured*" was used to describe a caller to the show who had identified as black, and it was pointed out that the presenter did not correct the caller on the use of the term although the presenter made it clear later in the programme that he believed it was an inappropriate term to have been used.
- 5.12. The Commission has determined that there is sufficient evidence to find that the use of the term was not deliberately intended to cause offence or used in a manner intended to demean or belittle any individual or individuals. In relation to whether the presenter should have corrected the caller, the Commission notes that the presenter was criticised by other callers who commented that he did not correct the caller on the use of the term "*coloured*." The presenter responded "*I thought that if I corrected him on his choice of word, at that point, it might send him even further into paroxysms that would get us all in trouble. So, that was why I didn't correct him on it.*"
- 5.13. This is in keeping with Manx Radio's assertion that it was "*sometimes easier, in the calm light of reflection, to see these issues more clearly than whilst in the midst of a live programme*".
- 5.14. While the purpose of the Broadcast is for individuals to call in and put forward their own opinions, and it was aired live, Manx Radio does have a responsibility to ensure any debates remain within the spirit of the Code and that involves steering conversations and mediating where callers are straying outside of what is acceptable. The Commission considers that while these comments from a caller are insensitive the management of the callers to a live radio broadcast must be considered within the context of the programme.
- 5.15. The Commission accepts the rationale set out by Manx Radio, both at the time and in its subsequent submission, for not correcting the caller on the use of insensitive language. It is possible that the issue could have been addressed at the time while

allowing all involved, including the caller, to have their dignity maintained, however that is only clear in hindsight.

- 5.16. During the Broadcast, in response to a discussion on the issue of 'white privilege' direct comparisons were made between the experiences people of colour have had in relation to prejudice and those that people with red hair, obese people, or people who cannot swim may have had. While the Commission believes it is important that such issues are debated in a fair and balanced manner, the use of the comparisons should be considered further in this instance.
- 5.17. While some of the characteristics identified by the host are immutable, they are not directly comparable to one's skin colour, race does carry a special status in terms of discrimination as it is one of the protected characteristics under the Equality Act 2010. The Commission has considered this in terms "*of the possible effect upon the racial minority concerned, as well as the population as a whole, and of changes in public attitudes to what is, and is not, acceptable*" as outlined in the Code. While it is likely that the presenter's intention was to highlight that there are many types of discrimination and prejudice, the Commission has considered it to be insensitive.

## 6. Findings

- 6.1. The Commission acknowledges at the outset that Manx Radio cooperated fully with the investigation. Having considered all of the information at hand, including the Broadcast itself; all of the correspondence received on the matter; and the submission by Manx Radio, the Commission has made the following findings.
- 6.2. The Broadcast in question is by its nature likely to cover and debate issues that are likely to provoke strong, and often polarised responses. Indeed the topics covered during the Broadcast fall firmly within this realm. The Commission is of the view that open and honest debate about such issues is required as part of the democratic process and encourages this to take place. It echoes Manx Radio's sentiment in its submission that apparent confusion over what constitute acceptable terms and the nature of what some people may find offensive illustrate that more debate and discussion is required on such issues, not less.
- 6.3. The Commission notes that the Code is clear that it should carefully consider "*changes in public attitudes to what is, and is not, acceptable.*" Several commenters raised the point that public attitudes as to what is acceptable have changed a lot over time and the Commission acknowledges that it may sometimes be difficult for individuals to keep up with, resulting in occasionally using a term no longer accepted, and that offence is not always intended.
- 6.4. The Commission has taken into account that the Late Show is a live broadcast where callers can bring into discussion any topic. The presenter is free to decide which calls to take and is free to decide which texts and emails can be read and

taken. In this case the presenter read out texts and took calls which represented a wide range of views. There is no evidence to suggest that there was any concerted effort to stifle debate from any particular perspective and thereby infringe on freedom of expression, nor was there any intent to stir up racial hatred evident.

- 6.5. All viewpoints were provided a right to reply and the opportunity to air their opinions and in that regard the right to freedom of expression was upheld. Whilst there was clear disagreement between both sides of the argument, for the most part the debate was conducted in a fair and measured way.
- 6.6. The Code is clear that in respect of broadcasts the right to freedom of expression is not an absolute right, it comes with duties and responsibilities. Accordingly, the Commission has noted that the right to freedom of expression does not equate to individuals being able to say anything they please, it must be tempered by the requirement that people's dignity and respect are maintained to the greatest extent possible.
- 6.7. It has been noted that the vast majority of the debate during the Broadcast was contentious, but the debate that ensued was for the most part calm and balanced, however, some of the language used, while not racist, is considered within the realm of insensitive. Notwithstanding the fact that some of the language used could be viewed as insensitive or was insensitive, the Commission is of the view that in the context of the Broadcast overall it does not in and of itself constitute a breach of the Code.
- 6.8. While some individuals have complained in a general sense that the opinions held by some are 'disgusting' or 'inappropriate' (such views being shared by individuals on both sides of the debate), this in and of itself does not constitute sufficient grounds to find the Broadcast in breach of the Code. It is not within the Commission's remit to effectively close down one or both sides of a debate thereby restricting freedom of expression to a degree not envisaged by the Code. Any such restriction on debate of a topic that requires public discussion more now than ever would not be beneficial to society in the long run; it is only through open discussion and debate, where all opinions are subject to scrutiny, that societal norms and values are tested.
- 6.9. The Code is clear that none of the rights that are applicable to this situation are absolute. The Commission is of the view that while some of the language used during the show falls within the realm of insensitivity, it must be viewed in context. While noting the general offence some individuals have expressed above, within the context of the Broadcast the instances where offence has objectively been caused are few within a three hour broadcast.
- 6.10. Furthermore, the Broadcast in question is a live debate which by their nature carry an increased risk of people taking offence at opinions expressed during discussions and is acknowledged at the outset of the Broadcast. While in this instance there

were isolated examples of insensitive language being used, they were addressed in a relatively full manner during the Broadcast and those offended by its use were afforded a right to reply. In the majority of instances all opinions were aired and people given the opportunity to challenge them.

- 6.11. Given the foregoing the Commission does not find Manx Radio in breach of the Code. However, the Broadcast should be taken as a learning experience for all and the Commission hopes that it moves the debate on these issues forward. It is likely that that very similar incidents in future may be viewed in a different light given a pattern of occurrences would add weight to the consideration of whether or not there was any intent to stir up racial hatred or prejudice.
- 6.12. While there has been no breach of the Code there is however clearly room for learnings to be taken from this issue. The Commission acknowledges that Manx Radio appears to have done this and has:
- offered a platform to one of the callers to this show on what it means to be black in the Isle of Man and to use this platform to highlight the issue of racism further; and,
  - taken steps to remind presenters of its social media policy.

Furthermore it is noted that Manx Radio has taken steps in considering diversity issues by taking part in "Black Out Tuesday" on 2<sup>nd</sup> June 2020.

- 6.13. These steps are welcomed, however in addition the Commission suggests that staff involved in on air broadcasts are afforded clear guidance and ongoing support and formal training in relation to identifying and dealing with sensitive issues and instances of insensitive language. This is particularly applicable to ensuring that callers to live shows are managed in a way that ensures, to the greatest extent possible, all people can retain their dignity.
- 6.14. In addition, the Commission would suggest that Manx Radio consider the inclusion of a short delay on live phone-in shows thereby affording greater ability for presenters to correct any insensitive language used and having the ability to prevent any inappropriate language from being aired should the matter escalate.

## 7. Annex One – Manx Radio Response

### Ref: Stu Peters Late Show TX'd June 3<sup>rd</sup> 2020

**Dear Ivan**

I'm writing, as requested by the Communications Commission, in response to the allegations of racist comments by Manx Radio presenter Stu Peters on the Late Show on Wednesday 3<sup>rd</sup> June 2020.

The second caller of the evening, Mr Jordan Maguire, called to take issue with comments made by Mr Peters, under his own name, on the Manx Forum website.

Mr Maguire reasoned that to say 'All Lives Matter' was demeaning to the 'Black Lives Matter' movement as it detracted from the message. There was then a discussion about some figures regarding crime statistics relating to ethnicity in the US.

It is the contention of Manx Radio that this broadcast did not contravene the Broadcasting Programme Code:

#### **1.8(i) Ethnic Minorities**

No programme should be transmitted which is intended to stir up racial hatred or, taking into account the circumstances, is likely to do so: where appropriate, schedules should give a fair reflection of the contribution of all races to society.

Racist terms should be avoided. Insensitive comments or stereotyped portrayal may cause offence. Their inclusion is acceptable only where it can be justified within the context of the programme.

Careful account should be taken of the possible effect upon the racial minority concerned, as well as the population as a whole, and of changes in public attitudes to what is, and is not, acceptable.

The broadcast was certainly not aimed to 'stir up racial hatred' and it is not the policy of Manx Radio to condone racism or its ideals. On the Tuesday (2<sup>nd</sup> June), our mid-morning show had taken part in the 'Black Out Tuesday' event broadcast on a number of radio stations globally. We accept totally, as does Mr Peters, that he should have challenged the caller who used the term 'coloured' instead of black. It's sometimes easier, in the calm light of reflection, to see these issues more clearly than whilst in the midst of a live programme.

Interestingly, the same term was used on social media the next day by a lady of a similar age to our caller, who was supporting the BLM protest. What this highlights is the need for more, not less, open debate on this sensitive but vitally important issue.

After I referred the issue to you, I reached out to Mr Maguire to offer a platform for him and others to bring the issues into the public domain and to challenge and discuss what it means to be black on the IoM in 2020 as well as the wider global issues raised.

Mr Maguire was keen for this to happen and I even suggested that, from a programming point of view, having Mr Peters and Mr Maguire working together on this would make for a great and open documentary show. Mr Maguire said that saw this as a great opportunity to challenge Mr Peters white privilege and show him, by talking to the BAME community, that there is an underlying issue with racism on the IoM, all be it, one currently hidden from the view of Mr Peters and others not directly exposed to it.

The fact that there were opinions on both sides of this conversation as the show went on, shows that there is a debate to be had and that, as the Nations PSM, Manx Radio is ideally placed to be the conduit for that through the programmes, discussions, Podcasts and other resources we offer.

For some, this is a contentious and divisive issue, but, we feel, this makes it even more important that is opened up to a wider and more inclusive conversation, involving all, for it affects all.

I would remind you, when considering this matter that this is a live phone-in show and that open, honest and sometimes challenging views expressed may be uncomfortable for some to hear. This though, is the very essence of open, free speech in the Isle of Man democracy. I would also remind you that Mr Peters did not, at any point, shy away from reading, airing and sharing views which listeners submitted calling him as a racist.

We have reminded all of our staff of our policy on social media postings, bearing in mind that they represent both themselves and Manx Radio when posting to sites.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Sully', with a long, sweeping underline that extends to the right.

**Chris Sully**  
**Managing Director Manx Radio**