

Ofcom Broadcast and On Demand Bulletin

Issue 478
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Local News

Type of case	Broadcast Standards
Decision	In Breach
Service	Drystone Radio
Date & time	26 April 2023, various times
Category	Commercial communications on radio
Summary	Material that implied a commercial arrangement was included in local news bulletins, in breach of Rule 10.3 of the Broadcasting Code.

Introduction

Drystone Radio is a community radio station covering Sutton in Craven and Ilkley. The licence for Drystone Radio is held by Drystone Radio Limited (“Drystone Radio” or “the Licensee”).

Ofcom received a complaint about an item broadcast hourly in *Local News*, from 07:00 to 18:00, which the complainant considered to be advertising. The newsreader said:

“Tickets have gone on sale for Ilkley Town Council’s concert to celebrate the coronation of King Charles III. The King Charles III Coronation Concert will take place on Bank Holiday Monday, May 8th, at 6pm in the King’s Hall, Ilkley. A spokesperson for Ilkley Town Council told us: “We invite residents to apply as soon as possible, to avoid disappointment”. The Council hopes that the ticket price, of just £2.50 per person, will enable any local people who wish to attend to be able to do so. Tickets can be obtained from Ilkley’s Visitor Information Centre, in the library on Station Road. The Centre can also be contacted by phone, on [phone number] or by email, [email address]”.

We considered this raised potential issues under the following Code rule:

Rule 10.3: “No commercial reference, or material that implies a commercial arrangement, is permitted in or around news bulletins or news desk presentations”.

Ofcom therefore requested comments from the Licensee on how it considered the programme complied with this rule.

Response

Drystone Radio said that it produces “a two-minute [local] news bulletin each day, which is intended to be ‘very’ local [and] typically contains a mix of serious news stories alongside lighter community pieces & also information about upcoming local events & activities”. It added that “the news content is prepared by one individual member of the team, who makes a judgement each day as to the bulletin’s content” and “each bulletin typically contains three local stories...so the content for each story is typically to the point – there is little detail”.

Drystone Radio said the team member had “made a judgement” that the King’s Coronation Concert to be held at the local Town Hall “was absolutely not a commercial activity despite the event having a [£2.50] ticket price”, as it was both “a community event being hosted by the local authority” and “a not for profit activity”, for which there was “no requirement to push the selling of tickets”, as the council had set a ‘token’ [£2.50] admission fee in order to be inclusive to all members of the community who may wish to attend a one off event with very little capacity”. It considered the content of the news item “was about the approach the council was taking to ensure equality of opportunity for all residents”, adding that Drystone Radio “has no commercial connection to the local council”, but had “[chosen] to inform its local listeners that it was ‘now or never’ if they wanted to attend the Coronation event”.

In response to Ofcom’s Preliminary View, which was to record a breach of Rule 10.3, the Licensee reiterated that, “the inclusion of the news item was entirely at the discretion of Drystone Radio, who considered it to be newsworthy”, adding that it had been neither approached by Ilkley Town Council nor involved in arranging the event and had not conducted an outside broadcast from the event.

The Licensee contended that listeners may have considered the news item implied a commercial arrangement between Drystone Radio and Ilkley Town Council, had it indicated that:

- the station held tickets for the event;
- the station was selling tickets for the event on the council’s behalf;
- discounted tickets were available to listeners who mentioned the station’s name when purchasing them;
- the station was presenting at the event; and/or
- the station was in partnership with the council.

Drystone Radio said that, as none of these factors applied and did not therefore feature in the material broadcast, it believed listeners were unlikely to have considered the news item implied such a commercial arrangement.

Decision

The Communications Act 2003 requires Ofcom to have regard to “...the desirability of maintaining the independence of editorial control over programme content”. This is particularly important in the context of news, in which audiences expect broadcasters to maintain the highest standards of editorial independence, free from any suggestion of commercial influence.

Rule 10.3 therefore prohibits any commercial reference, or material that implies a commercial arrangement, in or around news bulletins (subject to specific exceptions). This is to ensure that news bulletins are not distorted, or perceived by listeners to be distorted, for commercial purposes.

Ofcom acknowledged Drystone Radio's apparent commitment to ensuring its *Local News* remains relevant for its listeners. However, it is essential that any news release, or information otherwise obtained by the broadcaster, when chosen for broadcast as news, is edited or packaged appropriately, to ensure compliance with the Code.

In this instance, the news item, which was broadcast hourly during daytime, announced the ticket launch for the King Charles III Coronation Concert, which Ofcom accepted was a 'one-off' local event likely to be of interest to its listeners. Ofcom also acknowledged that the news item made clear both the possible limited availability of tickets (i.e. *"A spokesperson for Ilkley Town Council told us: "We invite residents to apply [for tickets] as soon as possible, to avoid disappointment"*) and Ilkley Town Council's aim to make the event attractive to all local residents (i.e. *"The Council hopes that the ticket price...will enable any local people who wish to attend to be able to do so"*). However, in doing this, the concert's nominal ticket price was highlighted in a promotional manner (at *"just £2.50 per person"*). Further, the news item then went on to promote where tickets could be purchased (i.e. *"Tickets can be obtained from Ilkley's Visitor Information Centre, in the library on Station Road. The Centre can also be contacted by phone, on [phone number] or by email: [email address]"*).

Ofcom noted that Drystone Radio considered the items in its *Local News* were "typically to the point", with "little detail". However, we did not consider the news item in question reflected this. Given the promotional detail it provided, Ofcom considered the news item implied a commercial arrangement between Drystone Radio and Ilkley Town Council.

Given Drystone Radio's response to Ofcom's Preliminary View, we subsequently took into account the potential factors it considered would have had to feature in this instance, for the broadcast material, in the Licensee's view, to have implied such an arrangement. Nevertheless, for the reasons already stated, it remained our view that the promotional detail provided in the news item was sufficient to have implied a commercial arrangement between Drystone Radio and Ilkley Town Council.

It is therefore Ofcom's view that, throughout the day, Drystone Radio's *Local News* was in breach of Rule 10.3 of the Code.

Breach of Rule 10.3