

Reference: 01106143

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18 February 2021

Freedom of Information: Right to know request

Thank you for your request for information in relation to the licensing of GB News and News UK TV.

We received this request on 25 January 2021 and have considered it under the Freedom of Information Act 2000 (“the Act”).

Background to your request

On 25 January 2021, you contacted Ofcom making requests for the following information:

- 1) *The date of the grant of the licences to each of GB News and News UK TV.*
- 2) *Supply a copy of the licences for each GB News and News UK TV.*
- 3) *What assessment did Ofcom conduct into the 'fit and proper' test before deciding to grant a broadcasting licence in respect of each channel?*
- 4) *What inquiries has Ofcom made, and what guarantees has it sought from the licence holders, concerning their adherence to standards of due impartiality and accuracy?*

On 29 January 2021, in advance of responding to the rest of your requests for information, in the interests of transparency Ofcom separately confirmed to you the dates of grant of the licences for GB News and News UK TV, and set out some general information about Ofcom’s process for granting a broadcast licence.

Our response

- 1) The date of the grant of the licences to each of GB News and News UK TV

As we informed you in our letter dated 29 January 2021, we can confirm that:

- In relation to the GB News service, licences [TLCS103139](#) and [DTPS103140](#) were granted to All Perspectives Ltd on 13 January 2020.
- In relation to the News UK TV service, licence [TLCS103693](#) was granted to News UK & Ireland Ltd on 17 November 2020.

You can find further specific information about both services on our website via the hyperlinks provided above.

2) Supply a copy of the licences for each GB News and News UK TV.

Please find copies of the requested licences for GB News and News UK TV attached. These reflect the standard form TLCS licence available on our website [here](#) and the standard form DTPS licence available on our website [here](#).

3) What assessment did Ofcom conduct into the 'fit and proper' test before deciding to grant a broadcasting licence in respect of each channel?

By way of background, you can find information about the standard process that Ofcom follows when assessing applications for a Television Licensable Content Services (“TLCS”) or Digital Television Programme Service (“DTPS”) service on our [website](#). Ofcom may only grant a TLCS or DTPS licence where Ofcom is satisfied that an applicant may hold a licence in accordance with the statutory requirements. Among other things, the applicant must not be a ‘disqualified person’ (within the meaning of section 5(1)(a) of the Broadcasting Acts 1990 and 1996) and we may not grant a licence unless we are satisfied that the applicant is a ‘fit and proper’ person to hold it (in accordance with s.3(3)(a) of the Broadcasting Acts 1990 and 1996).

In order to allow us to take a decision to grant a licence, we ask applicants to provide information in our standard TLCS and DTPS application forms (available via the link above) regarding the persons who exercise control over the applicant (including directors and shareholders). When considering whether an applicant is fit and proper to hold a licence, Ofcom will look at¹ – for example – whether individuals who are likely to exercise control over the applicant and its activities have any criminal convictions or have ever been declared bankrupt, as well as other matters such as disqualification of directors, removal from a professional or trade body and previous broadcasting compliance history.

Regarding the licences of GB News and News UK TV, Ofcom followed these standard procedures in considering whether the general conditions required for an applicant to be deemed ‘fit and proper’ were in place as part of their assessment. As noted above, Ofcom may not grant a licence unless we are satisfied that the applicant is a ‘fit and proper’ person to hold a licence. We can confirm that Ofcom was satisfied the applicants were ‘fit and proper’ persons when it decided to grant the licences for the GB News and News UK TV services. Specific information and documents relating to our assessment of the ‘fit and proper’ test for these two licensees, including the information that was provided in each application form, is exempt from disclosure under section 44 of the Act, which exempts the disclosure of information which is prohibited by another enactment. In this case, we are prohibited under section 393 of the Communications Act 2003 from disclosing information relating to a business which we have obtained in the course of exercising our functions, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Communications Act 2003 (“the CA”) is met (none of which applies here). The two businesses in this case are the entities to which the licences of GB News and News UK TV were granted, namely All Perspectives Limited and News UK & Ireland Limited.

Section 44 is an absolute exemption and does not require a public interest test.

¹ For more information, see our Guidance Notes for [TLCS](#) and [DTPS](#) licence applicants.

4) What inquiries has Ofcom made, and what guarantees has it sought from the licence holders, concerning their adherence to standards of due impartiality and accuracy?

We have interpreted your query as requesting information about inquiries made by Ofcom as part of the process of granting licences to GB News and News UK TV.

We confirm that Ofcom followed its standard procedures in considering whether to grant a licence to GB News and News UK TV, which requires applicants to provide in their licence application details of the compliance arrangements they will put in place to ensure that the content they propose to broadcast complies with the relevant regulatory codes and rules for programming and advertising. We would also like to reiterate that all TLCS and DTPS licences require the licence holder to ensure that the licensed service complies with the Ofcom Broadcasting Code (“the Code”), including the rules regarding due impartiality and due accuracy. Should a licence holder fail to comply with the rules of the Code, then Ofcom can take enforcement action against the licensee.

Based on the information provided to Ofcom in the licence applications, we were satisfied that the licensees met the criteria for the granting of a TLCS and DTPS licence. However, we are unable to disclose specific information regarding Ofcom’s assessment of the compliance information provided to us as part of the licensing process for GB News and News UK TV, as this information is exempt from disclosure under section 44 of the Act. Section 44 inhibits disclosure of information if another enactment prohibits it. In this case, section 393 of the CA prohibits Ofcom from disclosing information which relates to a business obtained in the course of exercising its functions, such as our work in broadcast licensing, unless Ofcom has the consent of that business or one of the statutory gateways to disclosure under section 393(2) is met, neither of which applies here. There are two businesses in this case, namely All Perspectives Limited and News UK & Ireland Limited.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Roshni Narayanan

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF