

Decision by Ofcom

Sanction: to be imposed on Talksport Limited

For material broadcast on Talk Radio on 16 March, 27 July and 6 August 2018¹

Ofcom's Decision

of Sanction against:

Talksport Ltd ("Talksport" or the "Licensee") in respect of its service **Talk Radio** (DN000015BA/5)

For:

Breaches of the Ofcom Broadcasting Code (the "Code")² in respect of:

Rule 5.11: "...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes"; and

Rule 5.12: "In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented".

Decision:

To impose a financial penalty (payable to HM Paymaster General) of £75,000; and

To direct the Licensee to broadcast a statement of Ofcom's findings in a form and on date(s) to be determined by Ofcom.

¹ See [Broadcast and On Demand Bulletins 371](https://www.ofcom.org.uk/__data/assets/pdf_file/0025/134755/Issue-371-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf) and [375](https://www.ofcom.org.uk/__data/assets/pdf_file/0024/142098/Issue-375-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf) for the material broadcast on Talk Radio and found in breach of Ofcom's Broadcasting Code ("the Code"), (https://www.ofcom.org.uk/__data/assets/pdf_file/0025/134755/Issue-371-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf, https://www.ofcom.org.uk/__data/assets/pdf_file/0024/142098/Issue-375-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf)

² [The version of the Code](https://www.ofcom.org.uk/__data/assets/pdf_file/0005/100103/broadcast-code-april-2017.pdf) which was in force at the time of the broadcast took effect on 3 April 2017: (https://www.ofcom.org.uk/__data/assets/pdf_file/0005/100103/broadcast-code-april-2017.pdf)

Executive Summary

1. Talk Radio is a national digital speech radio station. The *George Galloway* programme was typically broadcast on Fridays between 19:00 and 22:00 with Mr Galloway occasionally broadcasting at other times when covering for other presenters.³
2. On 16 March 2018, the Licensee broadcast an episode of the *George Galloway* programme that was principally concerned with the poisoning of Yulia and Sergei Skripal in Salisbury on 4 March 2018. On 27 July and 6 August 2018, the Licensee broadcast episodes which were focused on discussion about allegations of anti-Semitism in the Labour Party.

The Breach Decisions

3. In Ofcom's decision published on 28 January 2019 in issue 371 of the Broadcast and On Demand Bulletin⁴, Ofcom found that the programme broadcast on 16 March 2018 had failed to maintain due impartiality and had breached Rules 5.11 and 5.12 of the Code.
4. In Ofcom's decision published on 25 March 2019 in issue 375 of the Broadcast and On Demand Bulletin⁵, Ofcom found that the programmes broadcast on 27 July and 6 August 2018 were also in breach of Rules 5.11 and 5.12 of the Code.
5. These three decisions ("Breach Decisions") set out specifically the broadcast material that was in breach, along with reasoning as to why the material had breached the applicable rules of the Code.
6. Ofcom put the Licensee on notice in the Breach Decisions that it considered that each of the breaches was serious and it was minded to consider each of the breaches for the imposition of a statutory sanction. Following the publication of the Breach Decisions, Ofcom gave the Licensee an additional opportunity to make representations on whether the breaches should be considered by Ofcom for the imposition of a statutory sanction. Having considered the Licensee's submissions, Ofcom decided to consider the Breach Decisions for the imposition of a statutory sanction.

The Sanction Decision

7. In accordance with Ofcom's procedures for the consideration of statutory sanctions in breaches of broadcast licences (the "Sanctions Procedures")⁶, Ofcom considered whether the Code breaches were serious, deliberate, repeated or reckless so as to warrant the imposition of a sanction on the Licensee.
8. In this case, Ofcom issued a Preliminary View that Ofcom was minded to impose a statutory sanction in the form of a financial penalty and to direct the Licensee to broadcast a statement of Ofcom's findings, on a date and in a form to be determined by Ofcom. Ofcom sent a copy to the Licensee on 16 September 2019. The oral and written representations of the Licensee ("the Representations") are summarised in paragraphs 30 to 54 below.

³ On 3 June 2019 Talk Radio dismissed George Galloway, and terminated his weekly programme, after he published an allegedly anti-Semitic tweet. See: <https://www.bbc.co.uk/news/uk-politics-48498010>

⁴ See: [Ofcom Broadcast and On Demand Bulletin 371](https://www.ofcom.org.uk/__data/assets/pdf_file/0025/134755/Issue-371-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf)
(https://www.ofcom.org.uk/__data/assets/pdf_file/0025/134755/Issue-371-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf).

⁵ See: [Ofcom Broadcast and On Demand Bulletin 375](https://www.ofcom.org.uk/__data/assets/pdf_file/0024/142098/Issue-375-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf)
(https://www.ofcom.org.uk/__data/assets/pdf_file/0024/142098/Issue-375-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf).

⁶ See: [Ofcom's procedures for the consideration of statutory sanctions in breaches of broadcast licences](https://www.ofcom.org.uk/__data/assets/pdf_file/0030/71967/Procedures_for_consideration.pdf). These procedures took effect on 3 April 2017.
(https://www.ofcom.org.uk/__data/assets/pdf_file/0030/71967/Procedures_for_consideration.pdf).

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9. In reaching its decision whether to impose a statutory sanction and, if so, what type and level of sanction, Ofcom took account of all the evidence and representations made by the Licensee. In addition, we had regard to the Sanctions Procedures and Ofcom's Penalty Guidelines⁷ (the "Penalty Guidelines") in reaching our Decision.
10. This Decision therefore considers the seriousness of the breaches for two reasons: (i) to set out why Ofcom considers that the breaches are so serious (and repeated) as to warrant the imposition of a statutory sanction, and (ii) to determine the appropriate and proportionate sanction(s) and the level of financial penalty.
11. Ofcom has decided to impose a financial penalty of £75,000 and direct the Licensee to broadcast a statement of Ofcom's findings in a form and on date(s) to be determined by Ofcom. The basis for Ofcom's decision is set out below.

Legal Framework

12. We set out in the Breach Decisions the relevant legal framework and the duties which Ofcom took into account in making the Breach Decisions.
13. Ofcom must also act in accordance with these statutory duties in considering whether it is appropriate to impose a statutory sanction and, if so, the type and level of sanction which it would be proportionate to impose.
14. Ofcom's principal duty, set out in section 3(1) of the Communications Act 2003 (the "2003 Act"), is to further the interests of citizens in relation to communications matters and the interests of consumers in relevant markets.
15. Ofcom has a specific duty under section 319 of the 2003 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 news included in television and radio services must be reported with due accuracy and presented with "due impartiality" and that the impartiality requirements of section 320 of the 2003 Act are complied with (section 319(2)(c) and (d)).
16. Reflecting Ofcom's duties under sections 319 and 320 of the 2003 Act, Section Five of the Code requires that the special impartiality requirements are met⁸. The relevant rules of the Code are set out in full at the beginning of this Decision.
17. In performing these duties, Ofcom must have regard to the principles under which its regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and, among other things, to the need to secure the application of standards in television services in the manner that best guarantees an appropriate level of freedom of expression⁹.
18. As a public authority, Ofcom must also act in accordance with its public law duties to act lawfully, rationally and fairly, and it 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").¹⁰

⁷ See: [Ofcom's Penalty Guidelines](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/106267/Penalty-Guidelines-September-2017.pdf): (https://www.ofcom.org.uk/__data/assets/pdf_file/0022/106267/Penalty-Guidelines-September-2017.pdf).

⁸ Accompanying [Guidance Notes](https://www.ofcom.org.uk/__data/assets/pdf_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf) 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 (https://www.ofcom.org.uk/__data/assets/pdf_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf).

⁹ Sections 3(3) and 3(4)(g) of the 2003 Act.

¹⁰ Section 6(1) of the Human Rights Act 1998.

19. 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))¹¹. It applies not only to the content of information but also to the means of transmission or reception¹². And while subject to exceptions, the need for any restriction must be established convincingly¹³. 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 for maintaining the authority and impartiality of the judiciary" (Article 10(2)). Decisions of the European Court of Human Rights make clear that there is little scope for restrictions on freedom of expression in two fields, namely political speech and on matters of public interest. Accordingly, a high level of protection of freedom of expression will normally be accorded, with the authorities having a particularly narrow margin of appreciation.
20. Ofcom must exercise its duties in light of the broadcaster's and audience's Article 10 rights and not interfere with the exercise of these freedoms in broadcast services unless it is satisfied that the restrictions it seeks to apply are required by law and necessary to achieve a legitimate aim (i.e. proportionate to the legitimate aim pursued and corresponding to a pressing social need).
21. It is well established that the freedom of expression of licensed broadcasters may legitimately be restricted where such measures are necessary to achieve the positive objective of maintaining fair and equal democratic discourse on influential media platforms to the benefit of society generally.¹⁴ The due impartiality standards required under sections 319 and 320 of the 2003 Act form part of a tripartite series of measures (the others being a prohibition on paid political advertising¹⁵ and the provision of free party political and party election broadcasts according to defined rules¹⁶) which aim to safeguard the integrity of democratic debate on matters of public concern.
22. As explained in the Government White Paper which led to the 2003 Act:
*"[Due impartiality] obligations have played a major part in ensuring wide public access to impartial and accurate information about our society and the opportunity to encounter a diverse array of voices and perspectives. They ensure that the broadcast media provide a counterweight to other, often partial, sources of news. They therefore contribute significantly to properly informed democratic debate."*¹⁷

¹¹ *Lingens v Austria* (1986) 8 EHRR 407.

¹² *Autronic v Switzerland* (1990) 12 EHRR 485.

¹³ *Steel & Morris v UK* (2005) EMLR 15.

¹⁴ *R (On The Application of Animal Defenders International) v Secretary of State For Culture, Media and Sport* [2008] 1 AC 1312 and *Animal Defenders v United Kingdom* [2013] EMLR 28

¹⁵ See s.319(2)(g) and 321(2) of the 2003 Act

¹⁶ S.333 of the 2003 Act provides that licences for certain broadcasters must require the inclusion of free broadcasts and the observance of the Ofcom Rules on Party Political and Referendum Broadcasts. Those Rules regulate party political broadcasts (offered to qualifying parties outside election periods); party election broadcasts (offered to qualifying parties during election periods); and referendum campaign broadcasts (offered to each designated referendum organisation before each referendum).

¹⁷ [Communications White Paper – A New Future for Communications, December 2000](#),

(https://webarchive.nationalarchives.gov.uk/20100407160140/http://www.culture.gov.uk/images/publication_s/communicationswhitepaper_fullreport.pdf, section 6.6.1).

23. As Lord Bingham explained in the *Animal Defenders* case,¹⁸ which related to paid political advertising, the underlying rationale for the due impartiality regime is as follows:

“The fundamental rationale of the democratic process is that if competing views, opinions and policies are publicly debated and exposed to public scrutiny the good will over time drive out the bad and the true prevail over the false. It must be assumed that, given time, the public will make a sound choice when, in the course of the democratic process, it has the right to choose. But it is highly desirable that the playing field of debate should be so far as practicable level. This is achieved where, in public discussion, differing views are expressed, contradicted, answered and debated. It is the duty of broadcasters to achieve this object in an impartial way by presenting balanced programmes in which all lawful views may be ventilated.”

24. In other words, a central purpose of the due impartiality requirements is that those subjected to the particularly potent and pervasive influence of broadcast media should be left in a position to make their own minds up on matters of important public interest, having been exposed to a plurality of views. In this way, both protections on free speech, and the requirements of impartiality that may (to an extent) restrict free speech, derive from the same fundamental concern: the need to safeguard the integrity of public discussion and thereby the democratic process.
25. The interference with Article 10 attendant on imposing a statutory sanction in relation to findings of breaches of due impartiality requirements may, where appropriate and proportionate in the circumstances of the case, be justified by the need to achieve these legitimate aims. In order to be proportionate, any interference must be the minimum necessary to promote the legitimate objective pursued.

The Breach Decisions and subsequent correspondence with the Licensee

26. In the Breach Decisions, Ofcom found that three episodes of *George Galloway* were in breach of Rules 5.11 and 5.12 of the Code. These were broadcast on 16 March, 27 July and 6 August 2018.
27. The Breach Decisions set out specifically the broadcast material that was in breach, along with the reasoning as to why the material had breached the applicable rules in the Code.
28. Ofcom put the Licensee on notice in the Breach Decisions that it considered each set of breaches was serious and, subject to the Licensee’s representations, it was minded to consider these breaches for the imposition of a statutory sanction.
29. Ofcom gave the Licensee an additional opportunity (which Ofcom does not normally provide for as part of its sanctions process) to provide representations on whether Ofcom should proceed to consider the imposition of a statutory sanction. Having considered the Licensee’s additional representations, Ofcom decided to consider the three Breach Decisions together for the imposition of a statutory sanction.

The Licensee’s representations

30. The Licensee provided the following representations as to whether Ofcom should proceed to consider the imposition of a statutory sanction:¹⁹
- for the breaches to be serious, Ofcom must identify harm in the material itself. There is no aggravating factor such as hate speech or gravely offensive material. Ofcom should exercise caution in sanctioning political speech and “[i]t cannot be the case that the broadcast of political views that have not been judged to present a risk of harm to

¹⁸ *Animal Defenders v Secretary of State for Culture, Media and Sport* [2008] 1 AC 1312.

¹⁹ Wireless letter to Ofcom of 8 February 2019 (with respect to the 16 March 2018 programme); Wireless letter to Ofcom of 5 April 2019 (with respect to the 27 July and 6 August programmes).

listeners or to be offensive, but merely partial, could be harmful such that a sanction is warranted”;

- Ofcom has not suggested that the Licensee enjoyed some “improper material benefit”, nor that there was a “systemic compliance [weakness], lack of respect for the regulator or wilful disregard for the Code”;
- Talk Radio has an “excellent record of compliance” and therefore the breaches could not be described as “repeated”;
- as the Licensee made clear in its representations provided in the course of investigation, the breaches were not reckless or deliberate;
- the Licensee has taken further steps to ensure compliance in the future, and a sanction could not do more to sharpen the Licensee’s focus on this issue;
- the Licensee has cooperated with Ofcom’s investigation and removed all clips of the programmes from its website, YouTube channels and social media pages; and
- the Licensee referred to various precedents in which Ofcom had variously (i) imposed a financial penalty, (ii) not considered a sanction, and (iii) not recorded a breach. We understood this to be a submission that Ofcom would not be acting consistently with these decisions if it were to impose a sanction with respect to the Breach Decision.

31. Having considered Talksport’s additional representations set out in the paragraph above, Ofcom decided to consider the three Breach Decisions together for the imposition of a statutory sanction.
32. Subsequently, the Licensee also made written and oral representations regarding the sanction proposed in Ofcom’s Preliminary View.

Seriousness of the breaches

33. The Licensee emphasised that it did not challenge the Breach Decisions and accepted that the imposition of some form of penalty in this case was “reasonable”, although “by no means inevitable or necessary”. It also accepted Ofcom’s view that it ought to have known that Mr Galloway had strong views on the issue of allegations of anti-Semitism in the Labour Party. However, the Licensee considered Ofcom’s reasoning as to the seriousness of the breaches was “flawed” and “unfair”, including Ofcom’s assessment of the likelihood of harm. It said that the breaches were not reckless, and nor could they be seen as ‘repeated’ since Ofcom had not issued its Preliminary View in relation to the first breach decision prior to broadcast of the 27 July and 6 August programmes.
34. The Licensee submitted that in this case, Ofcom had conflated the rules and consequences of the breaches with the “mischief of political advertising”. Talksport questioned Ofcom’s reference to the *Animal Defenders International* decision in its Preliminary View as it stated this case concerned political advertising and the risk of “partisan advertisers” seeking to “dominate debate”, the blanket ban of which was a separate issue. Talksport requested that Ofcom avoid any implication of “improper influence” being exercised over the Licensee’s programming. It added that the Code permits programmes to focus on political issues providing that due impartiality is maintained.
35. Talksport stated that ‘trust’ is not a relevant consideration in breaches of Section Five and is not referred to in Ofcom’s Code or Guidance. It said that in this case there was “plainly no intention” to deceive listeners who would have been aware of Mr Galloway’s “iconoclastic” and “outspoken” views and had an opportunity to form their own view. The Licensee said that in its view any harm to public debate would be “very limited” in this context.

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36. Talksport said that Ofcom sought to position due impartiality rules as “fundamental” in its Preliminary View, with any breaches of them “especially serious”. It highlighted five examples of previous breaches of Rule 5.11 and 5.12 which had not resulted in a sanction, which it argued demonstrated that breach of Rules 5.11 and 5.12 is of itself not such as to automatically or even ordinarily attract a sanction:
- *Hannity*, Fox News, 2, 5 and 6 August 2016, 03:00²⁰ – breaches of 5.11, 5.12 and 6.1 recorded against three programmes. Talksport stated that in both this case and the case currently being considered for sanction Ofcom identified audience expectation as a relevant contextual factor;
 - *Labour Party EU Referendum Debate*, BEN TV, 10 June 2016, 18:00²¹ – breaches of 5.11, 5.12, 6.1 and 9.15;
 - *Zing Jukebox Live*, Zing, 21 June 2016, 16:30²² – breaches of 5.11, 5.12 and 6.1;
 - *Editorial content relating to the 2015 Nigerian Presidential election*, BEN TV, 7 and 11 February 2015, 20:00²³ – breaches of 5.1, 5.11, 5.12, 6.1, and 9.2; and,
 - *News*, CHSTV, 27 April 2015, 22:00²⁴ – breaches of 5.1, 5.11, 5.12 and 6.1.
37. The Licensee argued that audience size was also a relevant factor in determining any potential harm arising from a breach and that the statutory framework recognises this distinction between audience size. For instance, the Code does not require local radio services to comply with Rules 5.5 to 5.12. It considered that this suggests the legal framework was intended to allow “greater freedoms” for the discussion of political or controversial matters on radio services with “smaller audiences”.
38. Talksport submitted that as Mr Galloway’s programme attracted a “niche” audience of between 8,300 to 10,800 listeners for the three programmes found in breach, and this meant the degree of actual or potential harm to listeners as a result of the contraventions was limited. Talksport also highlighted that each programme had only received one complaint.
39. The Licensee considered that the views expressed by Mr Galloway in the programmes were in opposition to mainstream reporting on the issues, and that balancing views were available from mainstream sources and other Talk Radio output. In its view, the inclusion of a “lone voice” on the issues fell “at the lower end of seriousness” in relation to breaches of the Code.
40. The Licensee argued that the views expressed in the programmes were not included in order to advance the interests of the ownership, management or executive of the station, or to use the service as a platform to advance such views. It emphasised that the fact Mr Galloway appeared not to accept the breaches should not be interpreted as the Licensee not accepting them.

Licensee’s compliance history

41. Talksport submitted that Ofcom’s proposed sanction was “excessive” as it did not take sufficient account of Talk Radio’s “excellent” compliance record and placed “improper weight” on previous breach decisions, particularly where these decisions related to separate stations (talkSPORT) under the same ownership. It also argued that it was wrong for Ofcom to place weight on previous breach decisions which pre-dated the period during which Talksport’s current parent company took ownership of the station.

²⁰ See [Bulletin 317](#).

²¹ See [Bulletin 315](#).

²² See [Bulletin 312](#).

²³ See [Bulletin 300](#).

²⁴ See [Bulletin 292](#).

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42. It stated that it broadcasts speech content 24 hours a day, with much of its content dealing with “major matters” of political and public interest. The Licensee said that no other programming produced under its control has been found in breach of Section Five of the Code, including none of its news output.

Licensee’s cooperation

43. The Licensee also considered that the financial penalty proposed in the Preliminary View was “excessive” as it did not take sufficient account of the Licensee’s cooperation with Ofcom’s investigation, its willingness to accept Ofcom’s decision, and the voluntary remedial action Talksport had subsequently undertaken. Talksport set out that in response to Ofcom’s notification of investigation, and prior to Ofcom reaching a decision, that it had initiated an internal investigation into the issue raised and an external review of the programmes had been conducted. The Licensee stated the recommendations from this process had resulted in “very significant changes” to the programme as set out in their 11 May 2018 letter to Ofcom, which included: appointing new staff; changing the structure of the programme; improving training for production staff; and, intervention from a senior level to reinforce producers’ understanding of Section Five of the Code. It added that it had now implemented all of these recommendations made by the external review.
44. Talksport stated that its failure to fully implement these changes prior to the 27 July programme was “regretted”, but that further comprehensive changes have been made which have prevented any repetition of the breaches. It said that these further changes included: hiring an executive producer with full responsibility for compliance; holding compliance sessions at least every six months for presenters and producers (with particular attention to Section Five of the Code); providing weekly updates of Ofcom assessments and investigations; logging the opposing guests featured and the approach taken before and after broadcast; producers’ participating on air to present opposing views and using audio clips to offer alternative views. The Licensee added that it also met with Mr Galloway and the programme’s production team to discuss compliance with Section Five.
45. Talksport said that it was notified of Ofcom’s investigations into the 27 July and 6 August programmes prior to the publication of the first breach regarding the 16 March programme. The Licensee argued that the speed at which the changes were implemented should not, in itself, warrant a greater sanction. In its view, the “significant” changes made by the Licensee as a result of the breaches were given “insufficient credit” in the sanction proposed in Ofcom’s Preliminary View.

Deterrence

46. Talksport stated that Ofcom’s Preliminary View included “inadequate” and “defective” reasoning on deterrence, and that when considering the Licensee’s response to the breaches, Talksport had already received “all the corrective pressure necessary”.
47. The Licensee also considered that Ofcom had not taken sufficient account of the seriousness with which Talksport has addressed the breaches and demonstrated its intention to comply with the Code. It stated that Ofcom had also not considered the extent to which the steps the Licensee had taken undermined the case for a financial penalty as a deterrent. According to Talksport, if Ofcom had given proper weight to its acceptance of the breaches and its remedial action, it would have been “apparent” that a financial penalty was “redundant”.
48. The Licensee said that the penalty proposed appeared to be a deterrent to potential compliance failures “across the industry”, of which Ofcom had not provided evidence. It stated that if Ofcom was concerned about specific services it should act against those services, and that as assessing due impartiality is based on the facts of each case, achieving a deterrent effect across the industry, based on the actions taken in the present case, was “very doubtful”.

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49. Talksport considered that the breaches in this case did not demonstrate a level of harm as severe as some precedent sanctions that included a financial penalty lower than the sanction proposed in Ofcom's Preliminary View. The Licensee cited the following precedents as examples of sanctions that demonstrated a serious degree of harm (see Annex 2 for a summary of each case): Islam Channel Ltd, 2007²⁵; Talksport Ltd, 2008²⁶; Dama (Liverpool) Ltd, 2012²⁷; Al Mustakillah Television Ltd, 2013²⁸; DM Digital Television Ltd, 2013²⁹; Club TV Ltd, 2016; Mohiuddin Digital Television Ltd, 2016³⁰; Ariana Television and Radio Network, 2017³¹; Kanshi Radio, 2017³²; Al Arabiya News, 2018³³. Principally, the Licensee's view was that these cases represented serious breaches of the Code as they were examples of: breaches relating to an election period; a service using its position to "advance political or other views"; a service with a poor compliance record; breaches relating to hate speech and or abusive or derogatory treatment of individuals, groups, religions or communities.

Freedom of expression

50. Talksport did not consider that the level of penalty proposed in the Preliminary View was the "minimum necessary" to promote the objectives of the due impartiality standards set out in sections 319 and 320 of the 2003 Act. It stated that the proposed penalty was likely to cause a "chilling effect" on political speech in contradiction with Article 10 of the Convention. The Licensee distinguished political speech from an "inherent wrong" such as "bad language" or "invasion of privacy", and said that Ofcom must take care in restricting or moderating political speech.
51. The Licensee said that Talk Radio is an "outlet for speech and for political opinion", and that a penalty that might be proportionate for a Section Five breach regarding, for example, pre-recorded television news, will "plainly differ from that in a highly varied, unpredictable live environment such as a topical radio talk show".

Cost to the Licensee

52. The Licensee submitted that the "reputational damage" caused by the breaches has impacted its ability to attract advertisers, and that further regulatory action would inflict additional damage and "compound" the damage it has already sustained. It argued that the breaches did not materially benefit anyone involved in the programmes. Talksport considered that Ofcom

²⁵ [31 July 2007, Islam Channel Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/60562/islamchannel.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0019/60562/islamchannel.pdf).

²⁶ [8 December 2008, Talksport Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0018/57105/talksport.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0018/57105/talksport.pdf)

²⁷ [8 May 2012, Dama Liverpool Ltd](http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Aden_Live_sanctions_decisio1.pdf) (http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Aden_Live_sanctions_decisio1.pdf).

²⁸ [4 January 2013, Al Mustakillah Television Ltd](https://webarchive.nationalarchives.gov.uk/20160704225532/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf)

(<https://webarchive.nationalarchives.gov.uk/20160704225532/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf>)

²⁹ [5 July 2013, DM Digital Television Ltd](https://webarchive.nationalarchives.gov.uk/20160703015525/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/DM-digital-POAF.pdf)

(<https://webarchive.nationalarchives.gov.uk/20160703015525/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/DM-digital-POAF.pdf>).

³⁰ [20 December 2016, Mohiuddin Digital Television Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf)

³¹ [6 July 2017, Ariana Television and Radio Network](https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/ariana-sanction) (<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/ariana-sanction>)

³² [25 July 2017, Kanshi Radio Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf)

³³ [25 January 2018, Al Arabiya News Channel FZ-LLC](https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/decision-al-arabiya-news) (<https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/decision-al-arabiya-news>)

should also take into account in determining the proportionality of any proposed financial penalty the expense the Licensee incurred to take remedial action. It referred to the expense of commissioning an external report and implementing the resulting recommendations which included: hiring a full time Compliance Manager; hiring an additional producer with a “strong remit” regarding due impartiality; and training staff on a continual basis.

Financial position of the Licensee

53. The Licensee stated that Talk Radio has a “very limited” income, relying largely on “internal sponsorship” revenue with limited external revenue. It acknowledged that the maximum fine that Ofcom could impose in this case, having regard to the statutory limit, was £250,000.³⁴ However, it noted that 5 per cent of the aggregate amount of the shares of multiplex revenue attributable to the Licensee – which would constitute the statutory maximum financial penalty if it was greater than £250,000 – was [REDACTED]
54. Talksport considered that a proposed fine close to this amount would be a “huge penalty” to impose on a service with a “tiny share” of audience that has always been loss making.
55. Talksport argued that the level of sanction imposed should not impact on decisions about whether the service should continue to broadcast, and in this case, the sanction proposed in the Preliminary View factored into the “risk factors” of running the service. It added that the proposed fine would factor in to the viability of making programmes that are “pushing the boundaries”.

Ofcom’s Decision to impose a Statutory Sanction

56. We set out below Ofcom’s Decision on its reasons for considering that it is appropriate to impose a statutory sanction, and as to the type and level of sanction Ofcom considers should be imposed on the Licensee, taking into account all the relevant material, including the Licensee’s representations, and Ofcom’s Penalty Guidelines (the “Penalty Guidelines”).
57. We first considered whether the breaches were serious, deliberate, reckless or repeated.

Serious and repeated nature of the breaches

58. The imposition of a sanction against a broadcaster is serious matter, and Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement. For the reasons set out below, Ofcom considers that these three sets of breaches of 5.11 and 5.12, both separately and taken together, were serious and therefore warrant the imposition of a statutory sanction.
59. As set out in the Breach Decisions and at paragraphs 12 to 25 above, the public policy rationale for the requirement of due impartiality in broadcasting is that these obligations play a major part in ensuring wide public access to impartial and accurate information about important societal and democratic issues, thereby providing a counterweight to other, often partial, sources of news, information and discourse. They therefore contribute significantly to properly informed democratic debate³⁵. Breaches of the impartiality rules have the potential adversely to affect and distort the dynamic of ensuing debate, with listeners becoming exposed to narrow

³⁴ As explained below in paragraph 86, under section 62 of the Broadcasting Act 1996, the maximum level of a financial penalty that Ofcom can impose on the holder of a NDSP licence is whichever is the greater of £250,000 and 5 per cent of the aggregate amount of the shares of multiplex revenue attributable to the Licensee in relation to relevant multiplex services (i.e. a national radio, television or general multiplex service) in respect of the last accounting period of the multiplex provider.

³⁵ See: the [Government’s Communications White Paper \(Safeguarding the interests of citizens, 6.6.1\)](https://webarchive.nationalarchives.gov.uk/20100407191943/http://www.culture.gov.uk/images/publications/communicationswhitepaper_fullreport.pdf) (https://webarchive.nationalarchives.gov.uk/20100407191943/http://www.culture.gov.uk/images/publications/communicationswhitepaper_fullreport.pdf).

and one-sided programming on important policy and political matters in which competing views are either ignored or raised only to be denigrated and dismissed.

60. In its representations, the Licensee submitted that Ofcom had not identified any harm that resulted from the breaches. It added that listeners would not have been surprised by the views expressed by George Galloway, and that such views were in opposition to mainstream reporting on the issues. However, the harm which flows from such breaches is readily identifiable. The legitimate aims which the due impartiality regime is designed to achieve – and which may justify an interference with Article 10 rights, as explained above at paragraphs 15 to 25 – encompass not just reactive safeguards to prevent harm or damage to individual rights but also measures aimed at enhancing the rights of others, including at a general or societal level.³⁶
61. First, breaches of the due impartiality rules in the Code may cause harm to the specific audience of the broadcasts in that they will be exposed to partial broadcasting on matters of important political and public interest. Second, and more fundamentally, if programming of this nature was permitted on licensed radio and television services, then at a wider societal level the balance of informed public debate and discussion on important matters of public concern is liable to become distorted. This could have damaging consequences for the democratic and societal objectives which the due impartiality regime is designed to promote, as well as the credibility of broadcast media as a trustworthy source of information on matters of public concern.
62. The Licensee questioned Ofcom’s reliance on the *Animal Defenders* case in our Preliminary View, as it considered that case concerned the blanket ban on political advertising which was a separate matter to the issue in this case. While the facts of the *Animal Defenders* case specifically concerned the prohibition on paid political advertising, as explained above at paragraph 23, the judges in that case held that this was part of a triumvirate of measures designed to safeguard the integrity of democratic debate, together with the due impartiality requirements at issue in this Decision. Therefore, the Court’s examination of the underlying policy rationale underpinning the due impartiality regime in that case, is highly relevant to our consideration of the breaches in the present case and what sanction is warranted.
63. Turning to the consideration of seriousness, any breach of Rule 5.11 and/or 5.12 is potentially particularly serious, since these rules concern the specific requirement to maintain due impartiality in relation to matters of major political or industrial controversy and major matters relating to current public policy. The obligations on licensees to take measures to preserve due impartiality are correspondingly more onerous where Rules 5.11 and 5.12 are applicable. Generally, a single breach of the impartiality rules is likely to be less serious in principle than a single breach of the rules concerning hate speech or incitement to crime. However, it may be quite a serious matter due to the potential impact on democratic debate and public trust in regulated news and current affairs outlets, in relation to which, in some circumstances, a sanction can be appropriate.
64. The Licensee argued that ‘trust’ is not a relevant consideration for breaches of Section Five or for any related sanction, and is not referred to in Ofcom’s Code or Guidance. However, maintaining audiences’ trust and confidence in the broadcasting regulatory regime as a whole is clearly important. The need to ensure a high level of public trust in the broadcast media forms part of the underlying policy rationale for the due impartiality regime and was explicitly referred to in the Government’s Communications White Paper.³⁷ If audiences were no longer able to expect or trust that news and current affairs outlets licensed by Ofcom, and subject to the Code, will maintain due impartiality on matters of political controversy and current public

³⁶ *Animal Defenders v Secretary of State for Culture, Media and Sport* [2008] 1 AC 1312.

³⁷ See footnote 35 above (Safeguarding the interests of citizens, 6.6.2).

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policy, especially major matters, this would be liable to undermine respect for the broadcast standards regime, and could risk undermining the public policy objective that the due impartiality rules seek to safeguard.

65. Ofcom took account of the Licensee's submission that Ofcom should exercise caution in sanctioning the broadcast of political speech, and acknowledges the broadcaster's right to make political discussion programmes that may take a viewpoint that is critical of the UK Government or supportive of particular political parties (e.g. the Labour Party) and politicians (e.g. the leader of the Labour Party, Jeremy Corbyn). However, such programmes still need to comply with Section Five of the Code, and Ofcom's specific concern in relation to the programmes that were the subject of the breach decisions is that insufficient attempts were made to include and give due weight to an appropriately wide range of alternative viewpoints.
66. In assessing the seriousness of the breaches in question as set out in the Breach Decisions, Ofcom took into account the nature of each of the breaches. In each case, the programmes failed to preserve due impartiality on a matter of major political controversy or a major matter of current public policy (concerning similar issues in two of the three Breach Decisions, namely the allegations of anti-Semitism in the Labour Party).
67. We considered the seriousness of these breaches was compounded because alternative viewpoints were only reflected to an extremely limited extent over the course of these programmes, each of which was three hours in duration, broadcast on a UK-focused news and current affairs service, and almost entirely dedicated to the politically controversial matters in question.
68. It was also the case that the limited viewpoints featured in the programmes which did not align with Mr Galloway's were treated in a very different way to those that did. In the 16 March 2018 programme, Mr Galloway joked that listeners who expressed such views were housed in Broadmoor psychiatric hospital, which we understood as suggesting that these listeners were in need of psychiatric care for holding the positions they held. In the 27 July 2018 programme, Mr Galloway described a listener who expressed such a view as a "*gutless coward*" and an "*ignorant moron*", and criticised the listener's spelling. In the 6 August 2017 programme, Mr Galloway described listeners who expressed such views as a "*gutless coward*" and "*cowardly*". As detailed in each of the Breach Decisions, these statements had the effect of dismissing and denigrating listeners who held views that did not reflect Mr Galloway's and constituted a clear difference in the treatment of such views.
69. In addition to finding that the breaches were serious, Ofcom also considered that they were repeated. This was because the same set of rules (Rules 5.11 and 5.12) were breached on three separate occasions over a period of five months, and for two of the three occasions, in relation to programmes discussing the same issue – the allegations of anti-Semitism in the Labour Party. The second and third occasions occurred after Ofcom had launched a formal investigation into the first programme's compliance with the due impartiality rules and the Licensee had already accepted, in its letter to Ofcom of 11 May 2018, that "there was not enough lively debate provided by either listeners or guests to challenge [Mr Galloway's] views within the programme itself".
70. The Licensee submitted that "repetition cannot be a factor in this sanction" because it had not received the Decision or Preliminary View regarding the March 2018 programme when the July and August programmes were broadcast. It therefore considered that the "later two programmes cannot reasonably be treated as us having ignored Ofcom's view of the earlier". However, as set out above, the Licensee was aware of the Ofcom's concerns about the March 2018 programme ahead of the broadcast of the July and August 2018 programmes and had set out in its 11 May 2018 letter to Ofcom the steps it was intending to put in place to improve compliance.

71. In addition, following the breaches that occurred in the programme broadcast on 16 March 2018, the Licensee set out a number of steps it said it was taking to ensure that “differing views are expressed on air”. These included that the producer of the programme had “been instructed to provide a well-informed guest whose views conflict with Galloway’s to provide due weight to the opposing view”. The Licensee also said that if “a guest cannot be booked, a Talk Radio presenter will be added to the line-up to challenge Galloway on his views as well as provide an alternative viewpoint”. During Ofcom’s investigations into the programmes broadcast on 27 July and 7 August 2018, Ofcom requested specific information from the Licensee regarding the implementation of the steps to improve compliance it said it would be putting in place following the programme broadcast on 16 March 2018. The Licensee acknowledged that it had failed to follow some of these new compliance processes (only ten weeks after undertaking to implement them, in the case of the 27 July 2018 programme) that might have helped prevent these further breaches from occurring. Specifically, the Licensee acknowledged that, where a guest with views different to Mr Galloway’s could not be found, the Licensee failed to include another presenter to reflect an alternative viewpoint and challenge Mr Galloway as required under the new compliance processes.
72. Furthermore, we noted that Mr Galloway had previously made statements concerning the issue of allegations of anti-Semitism in the Labour Party.³⁸ In these circumstances the Licensee ought to have known that Mr Galloway had strongly held views on this particular issue and therefore it was more likely that he may fail to preserve due impartiality in a programme covering this issue. While it is open to broadcasters to feature presenters who are highly opinionated or known for taking a certain stance on particular matters, we emphasise that the licensee must have appropriate safeguards and compliance procedures in place to manage any heightened risk of non-compliance. In this case we consider that the Licensee failed to take appropriate steps to mitigate this risk.
73. In light of the Licensee’s failure to prevent further breaches of the Code, Ofcom considered that all three breaches were, individually, sufficiently serious to warrant the imposition of some form of statutory sanction. We found this failure particularly concerning with respect to the 27 July and 7 August 2018 Breach Decisions.
74. We considered that the fact that these three breaches of the due impartiality requirements occurred within a period of five months, as well as the Licensee’s failure to fully adopt improvements to its compliance processes following the first set of breaches, indicated a significant failure of compliance. Ofcom considers the fact that there were repeated breaches in this case over a period of five months potentially aggravated the detriment to listeners. The repeated breaches had the effect of undermining public confidence in the impartiality of, and therefore trust in, broadcast news and current affairs, which the rules in Section Five of the Code are intended to safeguard.
75. Accordingly, Ofcom’s Decision is that these breaches of Rules 5.11 and 5.12 represent a serious and repeated failure of compliance with the due impartiality requirements of the Code on the part of the Licensee, which warrants the imposition of a statutory sanction.

Imposition of sanction

76. Ofcom therefore considered which of the sanctions available to it were appropriate in the present case.

Ofcom’s powers to impose statutory sanctions for breaches of content standards requirements

³⁸ <https://www.independent.co.uk/news/uk/politics/labour-antisemitism-row-george-galloway-ken-livingstone-hitler-comments-historical-fact-a7006321.html>

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77. As noted above, the Licensee holds a National Digital Sound Programme licence (“NDSP licence”). Under section 325 of the 2003 Act, a licence for a programme service issued by Ofcom under the Broadcasting Act 1990 (“the 1990 Act”) or 1996 (“the 1996 Act”) must include conditions for securing that the standards set under section 319 of the 2003 Act are observed by the licensee. Condition 5 of a NDSP licence requires the same.
78. Where Ofcom has identified that a condition of a NDSP licence has been contravened, its powers to take action are set out in section 109 the 1990 Act and section 62 of the 1996 Act insofar as relevant to the case.
79. Section 109 of the 1990 Act and Section 62 of the 1996 Act provide Ofcom with the power to direct the holder of a NDSP licence to broadcast a correction or a statement of Ofcom’s findings (or both).
80. Section 62 of the 1996 Act provides Ofcom with the power to impose a financial penalty on the holder of a NDSP licence. The maximum penalty which may be imposed in respect of each contravention of a licence condition is whichever is the greater of £250,000 and 5 per cent of the aggregate amount of the shares of multiplex revenue attributable to the Licensee in relation to relevant multiplex services (i.e. a national radio, television or general multiplex service) in respect of the last accounting period of the multiplex provider.
81. Section 62 of the 1996 Act also provides Ofcom with the power to:
 - suspend the Licence for a specified period not exceeding six months; and
 - serve a notice providing that the licence will expire on a date at least one year from the date the notice is served.
82. Section 111 of the 1990 Act and Section 62 of the 1996 Act provide Ofcom with the power to revoke a NDSP licence where a licensee is in contravention of a condition of a NDSP licence or direction thereunder.

Directing the Licensee to broadcast a statement of Ofcom’s findings

83. The purpose of directing a licensee to broadcast a statement of Ofcom’s findings in relation to due impartiality breaches is to inform audiences of Ofcom’s findings and ensure they are aware of the specific way in which the programmes breached the Code. For the reasons set out at paragraphs 57 to 74 above, Ofcom considered that these three breaches were serious and repeated. Ofcom has decided that the Licensee must broadcast a statement, to be prepared by Ofcom and in a form and on date(s) to be determined by Ofcom, to ensure that Ofcom’s findings are drawn to the attention of the Licensee’s listeners, and to help deter future misconduct by the Licensee and other broadcasters..

Financial penalty

84. Given Ofcom’s assessment of the seriousness of the breaches as set out at paragraphs 57 to 74 above, Ofcom considered whether a direction alone would be a sufficient sanction.
85. Ofcom recognised that following the start of Ofcom’s investigation into the 16 March 2018 programme, the Licensee had said it would be implementing a range of substantive steps in order to improve its compliance with the Code, and the due impartiality requirements specifically. However, as set out in paragraph 70, the Licensee had failed to implement fully these steps in order to prevent the subsequent breaches that occurred on 27 July and 6 August 2018. As noted above and in the Breach Decisions with respect to these two programmes, Ofcom found this particularly concerning.
86. Ofcom did not consider a direction alone would be a sufficient sanction to act as an effective disincentive to discourage this Licensee from repeating similar breaches of the Code or other

licensees from contravening the Code in a similar manner. Ofcom's decision is therefore that it would be proportionate to impose a financial penalty in addition to the direction.

Amount of the financial penalty

87. As explained at paragraph 79 above, under section 62 of the 1996 Act, the maximum level of a financial penalty that can be imposed on the holder of a NDSP licence is whichever is the greater of £250,000 and 5 per cent of the aggregate amount of the shares of multiplex revenue attributable to the Licensee in relation to relevant multiplex services (i.e. a national radio, television or general multiplex service) in respect of the last accounting period of the multiplex provider. In this instance, the maximum penalty Ofcom can impose is £250,000.
88. Ofcom's Penalty Guidelines state (in paragraph 1.11) 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."
89. In considering the appropriate amount of a financial penalty, Ofcom took 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

90. In addition to the reasons set out at paragraphs 57 to 74 above, we recognised that three very similar breaches of the due impartiality requirements occurred during a five month period. We also recognised that steps the Licensee said it had taken to improve compliance after the first set of these breaches occurred on 16 March 2018 were not fully implemented prior to the second and third set of breaches occurring on 27 July and 6 August 2018.

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

91. As noted at paragraph 30 above, the Licensee submitted that the breaches could not be so harmful as to warrant a sanction; that they did not contain hate speech or gravely offensive material; and that Ofcom should exercise caution in sanctioning political speech. The Licensee also argued that the size of the audience must be relevant to considering the degree of harm caused by these breaches and referred to RAJAR figures showing listener figures for the programmes in question between [X<CONFIDENTIAL] and [X<CONFIDENTIAL].
92. As explained at paragraph 61 above, the purpose of the due impartiality requirements for broadcast content is to safeguard the integrity of democratic debate on licensed broadcasters on matters of public concern. There are stricter requirements in respect of programmes that deal with matters of major political controversy and major matters of current public policy, reflecting the heightened importance of preserving due impartiality in relation to such matters. Breaches of those requirements by any broadcaster potentially causes harm both to the viewers who watched the programme in issue and also undermines the democratic objectives which the due impartiality regime is designed to promote.
93. Ofcom recognised that the audience for the programmes in question was small when compared to some other radio services. However, Ofcom considered that the three repeated breaches of Rules 5.11 and 5.12 of the Code had the potential to adversely affect those listeners who chose to listen to the relevant programmes and who were therefore presented with coverage of important policy and political matters which denied them an appropriately wide range of viewpoints.

94. We did not agree with the Licensee's argument that the fact that the statutory regime governing due impartiality for non-national non-BBC radio services³⁹ is different to that which applies to national radio services and television services means that it is intended to allow "greater freedoms for discussion of political and controversial matters by (radio) services with smaller audiences". Unlike non-national non-BBC radio services with limited geographical reach, Talk Radio is a national radio service that is available across much of the UK. Broadcasters of this type are required by statute to comply with the rules set out in Section Five of the Code (apart from Rule 5.13 as explained above), including the more onerous requirements set out in Rules 5.11 and 5.12.

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

95. 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

96. We considered that the Licensee's compliance procedures had been insufficient to ensure due impartiality was preserved in these three episodes of the *George Galloway* programme. In addition, the Licensee failed to implement fully all of the steps it told Ofcom it had taken on 11 May 2018 following the first set of breaches on 16 March 2018. In particular, the Licensee did not, in circumstances where a guest with views differing to Mr Galloway's could not be booked to appear on a programme, invite another Talk Radio presenter to challenge Mr Galloway and provide alternative viewpoints.

97. Had the Licensee fully implemented the improvements, we considered it likely that the 27 July and 7 August 2018 breaches would have been avoided.

98. We recognise that, following the breaches that took place on the 27 July and 7 August 2018, the Licensee said it had implemented significant changes to its approach to compliance with the Code and with the due impartiality requirements in particular.

99. We also took into account that since the programme broadcast on 7 August 2018, Ofcom has identified no further breaches of the due impartiality requirements in the *George Galloway* programme⁴⁰ or Talk Radio's output more widely.

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

100. We have no evidence to suggest that these breaches occurred deliberately or recklessly.

101. However, although we did not consider the breaches to have been reckless, we did consider, particularly in relation to the programmes broadcast in July and August 2018, that senior management should have been more alive to the possibility of further breaches of the due impartiality rules occurring in the *George Galloway* programme. From 26 April 2018, senior management were on notice that Ofcom was investigating the 16 March 2018 programme's compliance with due impartiality requirements. In particular, as noted above at paragraph 71, the Licensee ought to have known that Mr Galloway had strongly held views concerning

³⁹ Section 320(1)(c) of the 2003 Act, as reflected in Rule 5.13 of the Code, places less onerous due impartiality requirements on non-national commercial radio services i.e. such services must not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters relating to current public policy in all the programmes included in any service taken as a whole.

⁴⁰ We note that the *George Galloway* programme stopped broadcasting on Talk Radio following his dismissal on 3 June 2019.

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allegations of anti-Semitism in the Labour Party and that he may fail to preserve due impartiality in a programme covering this subject, and it ought to have taken appropriate steps to mitigate this risk. In this context we were particularly concerned that the Licensee failed to implement fully the improvements to compliance it said it would put in place following the breaches occurring on 16 March 2018.

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

102. The Licensee did not appear to be aware of the issues concerning the programmes that Ofcom found in breach until Ofcom informed it that it was opening investigations in relation to these programmes.

103. Ofcom has not become aware of any further breaches of Section Five of the Code by the Licensee to date.

Any steps taken for remedying the consequences of the contravention

104. We took account of the steps that the Licensee said it has taken, since these breaches occurred, to improve its compliance processes and ensure that further breaches of the due impartiality requirements do not occur.

105. These included: hiring an Executive Producer to take responsibility for compliance on the show; holding compliance sessions with staff a minimum of once every six months; giving updates of Ofcom assessments and investigations at editorial meetings; and appointing a Compliance Manager. However, as set out in paragraph 70, Ofcom was concerned that the Licensee failed to implement fully these improvements to its compliance processes following the first set of these breaches.

106. Through its implementation of these measures, we considered that the Licensee had demonstrated a willingness to identify the root causes of these breaches and to take appropriate steps to prevent further occurrences. We also recognised that no further breaches of the due impartiality rules been recorded against Talksport Ltd since these episodes of the *George Galloway* programme were broadcast.

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

107. The holder of the licence for Talk Radio, Talksport Ltd, was acquired by parent company News Corp in September 2016. Talksport Ltd also operates the services Talk Sport, Talk Sport 2 and Virgin Radio.

108. Since the Licensee was acquired by News Corp, Ofcom has found its services Talk Radio and Talk Sport in breach of the Code on four occasions, other than the breaches recorded against the *George Galloway* programme. The first of these related to a broadcast of *The Two Mikes* on Talk Sport during which offensive comments by two co-presenters relating to a former colleague's degrading and sexually predatory behaviour towards female colleagues were made by the presenters that Ofcom considered were not justified by the context. The second case related to the programme *7 Days of Talk Radio with Katherine Boyle* that Ofcom considered contained content that was unsuitable for children which was not appropriately scheduled. The third breach concerned the *James Whale* programme on Talk Radio in which offensive comments, that were not justified by the context, were made during a discussion about sexual assault. The final breach, published at the same time as the second and third breach decisions recorded against the *George Galloway* programme, related to *Alan Brazil Sports Breakfast* during which potentially offensive remarks were made during a discussion about a rat infestation in Glasgow.

109. In addition to these cases in which content broadcast on Talk Radio and Talk Sport was found in breach of the Code, Ofcom has resolved a further three cases involving content broadcast on these services.

110. The Licensee argued that the cases involving content broadcast on services other than Talk Radio should not be included in Ofcom's assessment of its compliance history. The Penalty Guidelines make clear that the factors that Ofcom will take into account when determining the appropriate level of penalty may include the history of contraventions of "the regulated body". We therefore considered it was clearly appropriate for Ofcom to take account of any breaches recorded against the regulated body (i.e. Talksport Ltd) irrespective of which broadcast services these related to.

111. We considered that the Talksport Ltd's recent compliance history was in line with other similar broadcasters. We also recognised that no breaches of the due impartiality rules (other than those recorded against the *George Galloway* programme) were recorded during this time.

112. In the earlier period between 2004 and September 2016, Ofcom recorded 18 breach decisions (that related to 25 separate programmes⁴¹). While we still consider these breaches to be of some relevance to our considerations, we took into account that these breaches occurred before the acquisition of the Licensee by its current owner, News Corp.

113. Full details of the Licensee's compliance history are set out in Annex 1.

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

114. We took into account that at all stages of our investigation, the Licensee acknowledged that the breaches of the Code had taken place and it provided full representations in response to Ofcom's formal requests for comments. It has also given Ofcom assurances that it takes its responsibility to comply with the Code seriously and has taken steps to remedy these compliance failures.

Precedents

115. In accordance with the Penalty Guidelines, in coming to this Decision, Ofcom has had regard to precedents set by previous cases. However, each case is decided on its own facts. In reaching our decision in this instance Ofcom has considered these previous cases and to the extent we consider them relevant, we have taken them into account. However, the absolute level of a penalty imposed is not arithmetically linked only to the harmfulness of the particular content concerned, since Ofcom takes other matters into account including (but not limited to) the compliance history of the licensee, its turnover, and the need for deterrence.

116. Taking the approach we set out above and taking account of the specific representations the Licensee has made, Ofcom considered:

(1) A number of previous decisions in which financial penalties had been imposed for breaches of due impartiality requirements in the Code⁴².

⁴¹ Some breach decisions cover multiple programmes. These are:

- the [decision](#) of 22 June 2009 finding that the episodes of the *George Galloway* programme broadcast on the following dates breached Rule 5.11 of the Code: 22 November 2008; 27 and 29 December 2008; 2 and 9 January 2009 (https://www.ofcom.org.uk/__data/assets/pdf_file/0012/47100/issue136.pdf); and
- the [decision](#) of 4 July 2011 finding that the episodes of the *Matte Forde* programme broadcast on the following dates breached Rule 6.11 of the Code: 28 March 2011; 4 and 11 April 2011; 2 May 2011 (https://www.ofcom.org.uk/__data/assets/pdf_file/0028/47593/obb185.pdf).

⁴² These are set out in Annex 2.

(2) A number of recent decisions in which financial penalties had been imposed for particularly serious breaches of the Code, not relating to breaches of due impartiality requirements, which had the potential to cause serious harm⁴³. These financial penalties were imposed since December 2015, after Ofcom's Penalty Guidelines were updated to place greater emphasis on deterrence. On 4 December 2017, we amended our Penalty Guidelines further in order to ensure we could impose penalties at the appropriate level to effectively deter contraventions of regulatory requirements. We have placed less weight on precedents pre-dating these revisions.

(3) Other decisions in which Ofcom had found breaches of due impartiality rules but had decided not to impose a statutory sanction. Ofcom considered the relevance of these past precedents to the circumstances of the breaches at issue in this Decision and, where relevant, took it into account in deciding on the level of the penalty which would be proportionate in the circumstances.

117. Ofcom considered that the previous decisions in which Ofcom had imposed financial penalties for breaches of due impartiality requirements in the Code were relevant, as the nature of those breaches was, to varying degrees, similar to the nature of the breaches at issue in this Decision.

118. Ofcom's recent *RT* sanction decision⁴⁴ was relevant to the present case. It was decided under the current Penalty Guidelines and had a number of similarities to the breaches in this case. The *RT* decision concerned multiple programmes (seven breaches in total), the majority of which (five) were not news programmes and were found to be in breach of Rules 5.11 and 5.12 only. However, there are a number of features which distinguish the *RT* sanction from the present case. The *RT* sanction concerned seven programmes, whereas the present case concerns three. Furthermore, in *RT* the relevant programmes were broadcast over a six-week period, whereas in the present case the three programmes were broadcast over a five-month period. Lastly, Ofcom had previously engaged with the Licensee in *RT* on a number of occasions to provide guidance on the requirements of, and how to comply with, Section Five. These aggravating factors in the *RT* case are not applicable in the present case and therefore, consistent with the *RT* decision, Ofcom considers that the sanction in the present case should be lower than that imposed in *RT*.

119. The other cases in which Ofcom had imposed financial penalties for breaches of due impartiality requirements in the Code were also relevant to the present case. For example, a number of these previous cases (*Islam Channel*⁴⁵, *Aden Live*⁴⁶, *Al Mustakillah*⁴⁷) dealt with a failure to preserve due impartiality in relation to matters of major political controversy and major matters relating to current public policy, and thus were relevant to the concerns which arose with the breaches in this instance. We also noted that there were similarities in the present case in that, in all of these previous cases, Ofcom had also identified that the breaches had resulted from inadequate compliance procedures or compliance failures.

120. However, we also noted that there were a number of differences in the circumstances of those previous cases. In particular, all these previous cases concerned: a failure on the part of the

⁴³ These are set out in Annex 2.

⁴⁴ [26 July 2019, ANO TV Novosti](https://www.ofcom.org.uk/_data/assets/pdf_file/0027/158571/sanction-decision-rt.pdf) (https://www.ofcom.org.uk/_data/assets/pdf_file/0027/158571/sanction-decision-rt.pdf).

⁴⁵ [31 July 2007, Islam Channel Ltd](https://www.ofcom.org.uk/_data/assets/pdf_file/0019/60562/islamchannel.pdf)

(https://www.ofcom.org.uk/_data/assets/pdf_file/0019/60562/islamchannel.pdf).

⁴⁶ [8 May 2012, Dama \(Liverpool\) Limited](http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Aden_Live_sanctions_decisio1.pdf) (http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Aden_Live_sanctions_decisio1.pdf).

⁴⁷ [4 January 2013, Al Mustakillah Television Limited](https://webarchive.nationalarchives.gov.uk/20160704225532/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf)

(<https://webarchive.nationalarchives.gov.uk/20160704225532/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf>).

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licensee to ensure compliance with Rule 5.4 concerning preservation of due impartiality on the part of the person providing the service (*Aden Live, Al Mustakillah, DM Digital*⁴⁸); or a failure to preserve due impartiality in connection with an election (*Islam Channel, TalkSPORT*⁴⁹, *Al Mustakillah*), which were breaches we considered to be particularly serious. As noted above, Ofcom also took into account that these precedents had not been decided under Ofcom's current Penalty Guidelines, which place greater emphasis on deterrence.

121. The majority of the more recent decisions⁵⁰ in which Ofcom has imposed a financial penalty for breaches of content standards rules did not relate to breaches of due impartiality requirements, and concerned different issues. Specifically, most of these previous cases concerned breaches of Section Three of the Code involving hate speech, and in one case also involved the broadcast of material likely to encourage or incite the commission of crime or lead to disorder. Ofcom considered these to be particularly serious breaches of the Code given their potential to cause serious harm to audiences, and therefore they are generally more serious than breaches of due impartiality rules. The other case related to a serious breach of fairness and privacy requirements which had caused serious harm to the individual concerned (as footage was broadcast of the individual while detained in prison, in circumstances where it had been found he had made confessions to state authorities under torture), which also distinguished it from the concerns that arose in this present case.
122. Ofcom also had regard to the fact that, other than the recent *RT* case, in all other cases since May 2012 in which Ofcom found breaches of due impartiality requirements, including of Rules 5.1, 5.11 and 5.12, Ofcom did not consider it to be warranted to impose a statutory sanction in the circumstances of those cases. To the extent that the nature of the content and the concerns that were at issue in those decisions was of a similar nature to the breaches in this case, Ofcom took into account that each case turns on its specific facts and, as set out in the Penalty Guidelines, Ofcom may depart from these precedents where appropriate. In particular, we recognised that in this case, the breaches were repeated and serious with each of these three three-hour long programmes largely dedicated to the particular major matter of political controversy and/or current public policy. Furthermore, the Licensee failed to take appropriate and timely steps to improve its compliance so as to prevent the second and third set of breaches that occurred.

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

123. 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. In determining the deterrent effect of any financial penalty, Ofcom is not limited to considering situations where

⁴⁸ [5 July 2013, DM Digital Television Limited](https://webarchive.nationalarchives.gov.uk/20160703015525/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/DM-digital-POAF.pdf)

(<https://webarchive.nationalarchives.gov.uk/20160703015525/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/DM-digital-POAF.pdf>).

⁴⁹ [8 December 2008, Talksport Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0018/57105/talksport.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0018/57105/talksport.pdf) (In this earlier sanction case involving the licensee Talksport Ltd, the entity in control of Talksport Ltd was UTV Media plc).

⁵⁰ These were: [Ariana Television and Radio Network, 6 July 2017](https://www.ofcom.org.uk/__data/assets/pdf_file/0026/103949/decision-ariana-television-radio-network.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0026/103949/decision-ariana-television-radio-network.pdf); [Club TV Limited \(Peace TV Urdu\), 11 November 2016](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf); [Mohiuddin Digital Television Limited \(Noor TV\), 20 December 2016](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf); [Kanshi Radio, 25 July 2017](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf); [Al Arabiya News, 25 January 2018](https://www.ofcom.org.uk/__data/assets/pdf_file/0030/109767/Al-Arabiya-sanction.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0030/109767/Al-Arabiya-sanction.pdf).

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there is, as suggested by the Licensee, evidence of an “industry-wide problem”. Rather, in accordance with our Penalty Guidelines, Ofcom will impose a penalty which is appropriate and proportionate in the circumstances, and which will act as a deterrent, taking into account the size and turnover of the Licensee.

124. In reaching its Decision on the imposition and level of a sanction, Ofcom has taken account of the aggregate amount of the shares of multiplex revenue attributable to the Licensee in relation to the relevant multiplex services in respect of the last accounting period of the multiplex provider, as required by Section 62 of the 1996 Act.
125. We took account of the Licensee’s representations that Talk Radio has “a very limited income” and that a financial penalty of that proposed in the Preliminary View would be, according to the Licensee, a “huge penalty to impose on a radio station with a tiny share of audience...”. However, we also recognised that Talk Radio is ultimately owned by News Corp, a global media company with substantial revenue⁵¹. We also noted that the Licensee had not suggested that it could not pay the financial penalty.
126. We recognise that the penalty must be proportionate taking into account the Licensee’s rights under Article 10 of the Convention. We must also consider the central objective of deterrence in imposing a penalty as set out in our Penalty Guidelines. 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. We took into account the Licensee’s argument that Ofcom should ensure it does not impose a financial penalty which is so high that it might risk having a “chilling effect” on freedom of expression, in particular as regards political speech. The level of financial penalty balances the need to ensure deterrence while at the same time, not creating an unwarranted chilling effect on the Licensee’s freedom of expression. For all the reasons set out above, Ofcom considers it is proportionate to impose a financial penalty on the Licensee of £75,000.

Revocation of the Licence

127. Section 111 of the 1990 Act and Section 62 of the 1996 Act provide Ofcom with the power to revoke a NDSP licence where a licensee is failing to comply with a condition of such a licence or a direction thereunder and the failure, if not remedied, is such as to justify revocation of the licence. In considering whether to propose the revocation of a licence, Ofcom must have regard to the broadcaster’s and the audience’s rights under Article 10 of the Convention.
128. Revocation of a licence is the ultimate enforcement action available to Ofcom. A decision to revoke a licence may only be taken by Ofcom if it is satisfied that it is a proportionate response to the Licensee’s failure to comply with its licence conditions. A relevant factor for Ofcom to consider in this regard is whether any sanction short of revocation could ensure that the Licensee would, in future, comply with the Code.
129. Taking account of all the relevant factors, it is Ofcom’s Decision that, although these breaches of Rules 5.11 and 5.12 were serious, in circumstances where the other sanctions discussed at paragraphs 114 to 121 above are sufficient to act as a deterrent against future breaches, revocation would be disproportionate.

Suspension of the Licence for period not exceeding six months, and service of a notice providing that the licence is to expire at least one year from service

130. Section 62 of the 1996 Act provides Ofcom with the power to:

⁵¹ [News Corp Reports Fourth Quarter and Full Year Results for Fiscal 2018](https://newscorp.com/2018/08/09/news-corp-reports-fourth-quarter-and-full-year-results-for-fiscal-2018/)
(<https://newscorp.com/2018/08/09/news-corp-reports-fourth-quarter-and-full-year-results-for-fiscal-2018/>)

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- suspend a NDSP licence for a period not exceeding six months; and
- serve a notice providing that the licence will expire on a date at least one year from the date the notice is served.

131. We recognised that that the Licensee has told Ofcom that it has taken a significant number of steps to prevent breaches of this type from reoccurring. We also recognised that no breaches of the due impartiality requirements (or the Code more generally) have been recorded against the Licensee since the breaches being consider for the imposition of statutory sanction.

132. Taking into account these factors, it is Ofcom's Decision that although these breaches of Rules 5.11 and 5.12 were serious, it would be disproportionate for Ofcom to take either of the steps set out above in this case.

Decision

133. In order to achieve Ofcom's central objective of deterrence, we have carefully considered the nature and level of statutory sanction that should be imposed. In doing so, we have taken account of the seriousness of the breaches, the Licensee's representations, the Licensee's size and financial position, and relevant precedent cases. We have also had regard to our legal duties, as set out in the Breach Decisions and in paragraphs 12 to 25 above, including the need to ensure that any sanction we impose is proportionate, consistent and targeted only at cases where action is needed.

134. For all the reasons set out above, Ofcom's Decision is that we consider that it is appropriate to impose a statutory sanction and it would be proportionate (i) to impose a financial penalty of £75,000 (payable to HM Paymaster General), and (ii) to direct the Licensee to broadcast a statement of Ofcom's findings in a form and on date(s) to be determined by Ofcom.

135. In Ofcom's view, this sanction is appropriate and proportionate in the circumstances of this case, and should send a clear message of deterrence, both to the Licensee and also to other broadcasters, against any future breaches of a similar nature.

Ofcom

17 February 2020

ANNEX 1: LICENSEE'S COMPLIANCE HISTORY

Programme	Relevant Code Rule	Nature of the Breach
Mendoza , Talk Sport, 13 October 2004, 04:20 ⁵²	Resolved	Potentially offensive religious comment.
Evening Kick-Off , 1 November 2004, 21:00, Talk Sport ⁵³	Breach of Rule 1.1 of the Programme Code	Potentially offensive description of a football player.
Use of premium rate telecommunications services in programming , Talk Sport ⁵⁴	Resolved	Listeners were not informed about relevant call charges.
Alan Brazil , Talk Sport, 20 October 2005, 07:00 ⁵⁵	Resolved – Rule 2.3	Offensive remarks made by the presenter.
Charlie Wolf , Talk Sport, 4 December 2005, 05:30 ⁵⁶	Breach of Rule 2.3	Offensive comments about a civilian killed on the Gaza Strip.
Where is Jack Bauer? Competition , Talk Sport, 9-10 February 2006, Various times ⁵⁷	Resolved – Rule 2.11	Inaccurate description of competition prize.
The Alan Brazil Sports Breakfast with Graham Beecroft , Talk Sport, 7 February 2006, 06:00 ⁵⁸	Resolved – Rule 9.6	Commercial references to a sponsor.
Alan Brazil , Talk Sport, 19 June 2006, 09:30 ⁵⁹	Breach of Rule 2.3	The presenter used an offensive word to refer to Japanese people.
Mike Mendoza , Talk Sport, 12 May 2007, 01:10 ⁶⁰	Breach of Rule 2.3	Offensive comment about homosexual people.
Football First , Talk Sport, 3 June 2007, 19:45 ⁶¹	Breach of Rule 2.3	Offensive comment about homosexual people.

⁵² Published in [Broadcast Bulletin 27](https://www.ofcom.org.uk/__data/assets/pdf_file/0025/46438/obb_27.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0025/46438/obb_27.pdf).

⁵³ Published in [Broadcast Bulletin 30](https://www.ofcom.org.uk/__data/assets/pdf_file/0021/47118/issue30.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0021/47118/issue30.pdf).

⁵⁴ Published in [Broadcast Bulletin 46](https://www.ofcom.org.uk/__data/assets/pdf_file/0026/47834/issue46.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0026/47834/issue46.pdf).

⁵⁵ Published in [Broadcast Bulletin 49](https://www.ofcom.org.uk/__data/assets/pdf_file/0025/46942/issue49.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0025/46942/issue49.pdf).

⁵⁶ Published in [Broadcast Bulletin 52](https://www.ofcom.org.uk/__data/assets/pdf_file/0023/47165/issue52.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0023/47165/issue52.pdf).

⁵⁷ Published in [Broadcast Bulletin 57](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/47530/issue57.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0019/47530/issue57.pdf).

⁵⁸ Published in [Broadcast Bulletin 58](https://www.ofcom.org.uk/__data/assets/pdf_file/0029/45668/issue58.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0029/45668/issue58.pdf).

⁵⁹ Published in [Broadcast Bulletin 66](https://www.ofcom.org.uk/__data/assets/pdf_file/0034/47878/issue_66.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0034/47878/issue_66.pdf).

⁶⁰ Published in [Broadcast Bulletin 91](https://www.ofcom.org.uk/__data/assets/pdf_file/0024/45843/issue91.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0024/45843/issue91.pdf).

⁶¹ Published in [Broadcast Bulletin 91](https://www.ofcom.org.uk/__data/assets/pdf_file/0024/45843/issue91.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0024/45843/issue91.pdf).

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George Galloway , Talk Sport, 10 August 2007, 12:45 ⁶²	Breach of Rules 5.5 and 5.9	Mr Galloway promoted his own possible candidacy for the parliamentary seat of Poplar and Limehouse and criticised the sitting MP.
The Jon Gaunt Show , Talk Sport, 11 October 2007, 10:30 ⁶³	Breach of Rule 2.3	Potentially offensive language.
The Jon Gaunt Show , Talk Sport, 11 February 2008, 10:00 ⁶⁴	Breach of Rule 10.2	Inclusion of promotional references.
The James Whale Show , Talk Sport, 20 March 2008, 22:00 ⁶⁵	Breach of Rule 6.1	During the election period, presenter encouraged listeners to vote for Boris Johnson in the upcoming London mayoral elections and criticised Ken Livingston. Ofcom imposed a statutory sanction £20,000.
Jon Gaunt , Talk Sport, 7 November 2008, 11:25 ⁶⁶	Breach of Rules 2.1 and 2.3	The presenter made offensive remarks during interview with local councillor about foster care issues, calling him a 'Nazi' and an 'ignorant pig'.
George Galloway , Talk Sport, 22 November 2008, 28 December 2008, 9 January 2009 ⁶⁷	Breaches of Rule 5.11	The programmes failed to maintain due impartiality regarding the conflict in the Gaza Strip.
George Galloway , Talk Sport, 20 November 2009, 22:00 ⁶⁸	Breach of Rule 2.11	A broadcast competition was conducted unfairly.
First Half Forum , Talk Sport, 7 March 2010, 14:23 ⁶⁹	Breach of Rule 9.5	Promotional references to a sponsor.
The Jon Gaunt Show , Talk Sport, April 2006 and 10 October 2008 ⁷⁰	Breaches of Rules 10.1, 10.2, 10.3, 10.4 and 10.5	Issues relating to the inclusion of paid-for promotional references in editorial content.
Matt Forde , Talk Sport, 4 and 11 April 2011, 00:15 ⁷¹	Breach of Rule 6.11	A full list of candidates was not read out after two constituency reports.
The Alan Brazil Sports Breakfast , Talk Sport, 17 August 2012, 09:55 ⁷²	Breach of Rules 1.14 and 2.3	The most offensive language was broadcast.

⁶² Published in [Broadcast Bulletin 97](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0022/46930/issue97.pdf).

⁶³ Published in [Broadcast Bulletin 98](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0026/47393/issue98.pdf).

⁶⁴ Published in [Broadcast Bulletin 105](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0025/42856/bb105.pdf).

⁶⁵ Published in [Broadcast Bulletin 123](#) (http://www.ofcom.org.uk/tv/obb/prog_cb/obb123/issue123.pdf).

⁶⁶ Published in [Broadcast Bulletin 133](#) (<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb133/issue133.pdf>).

⁶⁷ Published in [Broadcast Bulletin 136](#) (http://www.ofcom.org.uk/tv/obb/prog_cb/obb136/Issue136.pdf).

⁶⁸ Published in [Broadcast Bulletin 156](#) (http://www.ofcom.org.uk/tv/obb/prog_cb/obb156/Issue156.pdf).

⁶⁹ Published in [Broadcast Bulletin 156](#) (http://www.ofcom.org.uk/tv/obb/prog_cb/obb156/Issue156.pdf).

⁷⁰ Published in [Broadcast Bulletin 165](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0022/45670/issue165.pdf).

⁷¹ Published in [Broadcast Bulletin 185](#) (<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb185/obb185.pdf>).

⁷² Published in [Broadcast Bulletin 218](#) (<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb218/obb218.pdf>).

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Colin Murray , Talk Sport, 9 September 2013, 10:00 ⁷³	Resolved – Rule 10.1	An interview with a guest ended with promotional references to a chain of hardware shops.
Drivetime , Talk Sport, 2 June 2014, 16:00 ⁷⁴	Breach of Rules 10.7 and 10.8	An interview about the World Cup included a commercial reference for a betting offer that had not been cleared by the Radio Advertising Clearance Centre as required.
The Two Mikes , Talk Sport, 29 December 2016, 13:40 ⁷⁵	Breach of Rule 2.3	Comments that detailed a former colleague’s degrading and sexually predatory behaviour towards female colleagues were capable of causing offence to the audience.
7 Days of Talk Radio , Talk Radio, 2 April 2017, 15:00 ⁷⁶	Breach of Rule 1.3	A call with a man who claimed to be a stalker was unsuitable for broadcast in the daytime.
Drivetime , Talk Sport, 29 September 2017, 16:45 ⁷⁷	Resolved – Rule 1.14	The programme included two uses of the most offensive language.
Max Rushden , Talk Sport, 8 January 2018, 12:00 ⁷⁸	Resolved – Rule 2.3	Potentially offensive remarks made regarding the use of “date rape” drugs.
James Whale featuring Ash , Talk Radio, 30 July 2018, 19:30 ⁷⁹	Breach of Rule 2.3	During an interview with a woman who had been sexually assaulted the two presenters made offensive remarks.
Alan Brazil Sports Breakfast , Talk Sport, 18 December 2018, 08:45 ⁸⁰	Breach of Rule 2.3	The presenter made an offensive remark that promoted a negative stereotype of Asian people.

ANNEX 2: PRECEDENTS

Previous sanctions relating to breaches of due impartiality requirements

⁷³ Published in [Broadcast Bulletin 243](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0017/42155/obb243.pdf).

⁷⁴ Published in [Broadcast Bulletin 262](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0021/50763/obb262.pdf).

⁷⁵ Published in [Broadcast and On Demand Bulletin 326](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0014/100148/Issue-326-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf).

⁷⁶ Published in [Broadcast and On Demand Bulletin 336](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0014/106232/issue-336-broadcast-on-demand-bulletin.pdf).

⁷⁷ Published in [Broadcast and On Demand Bulletin 344](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0024/108915/issue-344-broadcast-on-demand-bulletin.pdf).

⁷⁸ Published in [Broadcast and On Demand Bulletin 351](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0012/112701/issue-351-broadcast-on-demand-bulletin.pdf).

⁷⁹ Published in [Broadcast and On Demand Bulletin 373](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0030/138648/Issue-373-Broadcast-and-On-Demand-Bulletin-25-February-2019.pdf).

⁸⁰ Published in [Broadcast and On Demand Bulletin 375](#)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0024/142098/Issue-375-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf).

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Sanction Decision	Breaches of Rules of the Code	Sanction	
31 July 2007, Islam Channel Ltd⁸¹	Rules 5.5, 5.12, 6.6, 6.8, 6.9 (and Licence Condition 11)	£30,000 financial penalty	During the election period of the local elections in 2006, a number of episodes of two current affairs series were presented, at times, by candidates who were standing in the local elections. Some of these programmes also failed to treat matters of political and industrial controversy and major matters relating to current public policy with due impartiality. These breaches were very serious given: their sustained and repeated nature; the fact that the breaches occurred during an election period in programmes whose presenters were themselves candidates in those elections; and the relevant rules breached are designed to help secure the integrity of the democratic process and the public's trust in that integrity. The breaches in this case were a direct result of management and compliance failures and took place despite considerable guidance and training given by Ofcom to the licensee. These were the first breaches Ofcom had recorded against Islam Channel Ltd. However, following concerns that Ofcom had had about a programme broadcast in July 2005, Ofcom had entered into detailed correspondence with Islam Channel Ltd about the due impartiality requirements of the Code. In 2006, Ofcom ran a compliance workshop for Islam Channel Ltd that specifically addressed issues relating to due impartiality. Ofcom took these matters into account when considering the imposition of this statutory sanction.
8 December 2008, Talksport Ltd⁸²	Rule 6.1	£20,000 financial penalty; direction to broadcast a statement of Ofcom's findings	This case concerned the broadcast of <i>The James Whale Show</i> during which Mr Whale made a number of comments criticising the Labour candidate for the 2008 London Mayoral Elections and directly and repeatedly encouraging listeners to vote for the Conservative candidate. Alternative views about the London mayoral candidacy and the Labour candidate's record were not represented. The

⁸¹ [31 July 2007, Islam Channel Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0019/60562/islamchannel.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0019/60562/islamchannel.pdf).

⁸² [8 December 2008, Talksport Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0018/57105/talksport.pdf)

(https://www.ofcom.org.uk/__data/assets/pdf_file/0018/57105/talksport.pdf)

			<p>contravention had the potential to cause considerable harm to the democratic process. The breach was particularly serious because it involved an experienced presenter who used his programme in a deliberate and conscious way to promote one particular candidate; the programme was broadcast in the election period close to the polling day with a greater potential to influence the voting intentions of listeners; it was the second time within eight months that the station had seriously breached the Code's due impartiality requirements; and the Licensee could, and should, have taken more action to ensure more robust compliance.</p>
<p>8 May 2012, Dama (Liverpool) Limited (Aden Live)⁸³</p>	<p>Rule 2.4, 5.4, 5.11 and 5.12</p>	<p>£10,000 financial penalty; direction to broadcast a statement of Ofcom's findings</p>	<p>Regarding the breaches of the due impartiality rules, the content and views expressed in the broadcasts were almost entirely in support of the Southern Movement and the independence of South Yemen, and critical of the Government of Yemen. In addition, the views and opinions of the Licensee on the contemporaneous political situation in Yemen, including the policies and actions of the Government of Yemen (a matter of major political controversy and a major matter relating to current public policy) were expressed in the output of the channel, in breach of Rule 5.4. The breaches were serious because: the licensee and its senior management sought to use the channel as a platform to present their own views; and they occurred in programmes broadcast at various times on the channel, not just in an isolated programme or series of programmes. Although this was the first time the Licensee had been found in breach of the Code, the breaches indicated poor compliance management by the Licensee and also a clear disregard for the due impartiality requirements, which the Licensee had previously and explicitly confirmed to Ofcom that it was aware of and would comply with.</p>

⁸³ [8 May 2012, Dama Liverpool Ltd](http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Aden_Live_sanctions_decisio1.pdf) (http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Aden_Live_sanctions_decisio1.pdf).

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<p>4 January 2013, Al Mustakillah Television Limited⁸⁴</p>	<p>Rules 5.4, 5.5, 5.11, 5.12 and 6.1</p>	<p>£25,000 financial penalty</p>	<p>This case concerned two programmes in which the sole director of the Licensee directly promoted the interests and policies of the Popular Petition for Freedom, Justice and Development in Tunisia, a political manifesto written by him. The programmes were broadcast in the run up to and immediately after the 2012 Tunisian General Election. The breaches of the relevant rules during the election period of a general election were serious, and particularly so given the comments were numerous and contained in two lengthy programmes. The director of the licensee clearly used his position to influence the editorial content of the service. Viewers were provided with a one-sided view of matters, and major matters, of political controversy and the viewpoints of, for example, other Tunisian political parties or their supporters were not presented. The content and views therefore had the potential to influence the voting intentions of viewers and thus was potentially harmful to the integrity of the democratic process. The breaches, although they were the first recorded against Al Mustakillah Television Limited, taken together, underlined the Licensee's failure to understand and ensure compliance and that its compliance arrangements were systemically ineffective.</p>
<p>5 July 2013, DM Digital Television Limited⁸⁵</p>	<p>Rules 5.4 and 5.5</p>	<p>£20,000 financial penalty; direction to broadcast a statement of Ofcom's findings</p>	<p>The two programmes included coverage of a conference, held in the UK, of the Pakistan Overseas Alliance Forum. In relation to Rule 5.4, the programmes included footage of the then Chief Executive and Chairman of DM Digital Television Ltd expressing his views on matters of political and industrial controversy and matters relating to current public policy. With respect to Rule 5.5, the first programme included statements that were highly critical of the MQM (at the time the governing political party in the Pakistani province of Sindh). The second programme included highly critical statements about NATO and the US Government's policies</p>

⁸⁴ [4 January 2013, Al Mustakillah Television Ltd](https://webarchive.nationalarchives.gov.uk/20160704225532/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf)

(<https://webarchive.nationalarchives.gov.uk/20160704225532/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Al-Mustakillah-TV.pdf>)

⁸⁵ [5 July 2013, DM Digital Television Ltd](https://webarchive.nationalarchives.gov.uk/20160703015525/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/DM-digital-POAF.pdf)

(<https://webarchive.nationalarchives.gov.uk/20160703015525/http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/DM-digital-POAF.pdf>).

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			<p>and actions towards Afghanistan and Pakistan. The breaches were serious because they showed that the due impartiality of the service had been compromised by the views of the licence holder. The breaches were repeated (and in the case of Rule 5.5, occurred in a sustained manner over the course of two three hour programmes). Further, the breaches highlighted the Licensee's wholly insufficient compliance arrangements and clear lack of understanding about the due impartiality requirements. These breaches also followed a considerable history of contraventions by the Licensee between 2008 and 2012, with two of these breaches considered serious enough to warrant the imposition of a sanction: i) in 2008, a financial penalty of £15,000 and a direction to broadcast a statement of Ofcom's findings for breaches of Rule 2.1, Rule 9.4, Rule 9.5, Rule 9.6, and Rule 9.7 regarding a programme in which a Professor made potentially dangerous claims regarding the successful use of his homeopathic medicines to treat and cure serious medical conditions and ii) in 2010, a financial penalty of £17,500 and a direction to broadcast a statement of Ofcom's findings for breaches of the BCAP Code concerning the broadcast of an advertisement offering advice to individuals based on faith-based practices for personal problems which was likely to exploit vulnerable viewers.</p>
<p>26 July 2019, ANO TV Novosti (RT)⁸⁶</p>	<p>Rules 5.1, 5.11 and 5.12</p>	<p>£200,000 financial penalty; direction to broadcast a statement of Ofcom's findings</p>	<p>These cases related to seven news and current affairs programmes broadcast on RT in the wake of the poisoning of Sergei and Yulia Skripal on 4 March 2018. We found the programmes to be in breach of the Code's due impartiality requirements.</p>

⁸⁶ [26 July 2019, ANO TV Novosti](https://www.ofcom.org.uk/__data/assets/pdf_file/0027/158571/sanction-decision-rt.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0027/158571/sanction-decision-rt.pdf)

Previous sanctions relating to breaches of other rules in the Code since December 2015

Sanction Decision	Breaches of Rules of the Code	Sanction	
<p>11 November 2016, Club TV Limited (Peace TV Urdu)⁸⁷</p>	<p>Rules 2.1 and 2.3</p>	<p>£65,000 financial penalty; direction to broadcast a statement of Ofcom’s findings</p>	<p>The programmes contained numerous examples of overwhelmingly negative and stereotypical references to Jewish people, which could be interpreted as spreading anti-Semitism and were a form of hate speech. These statements were also delivered by a person who holds a position of authority and respect within the Muslim community (a religious scholar). Further, the presenter spoke uninterrupted and there were no views or statements in the programmes which challenged or otherwise softened the considerable level of potential offence. The statements in question had the clear potential to cause harm by portraying Jewish people in highly negative terms. The broadcast of anti-Semitic hate speech in pre-recorded content in two separate programmes broadcast on consecutive days indicated a failure of compliance procedures. The Licensee did not have a history of contraventions prior to these breaches. However, Peace TV Urdu’s sister channel, Peace TV, which shared the same central compliance function as Peace TV Urdu and was ultimately owned by the same parent company had twice been found in breach of the rules relating to harm and offence (on one occasion, Rules 2.3 and 2.4 and on the second occasion, Rule 2.3).</p>
<p>20 December 2016, Mohiuddin Digital Television Limited (Noor TV)⁸⁸</p>	<p>Rules 2.1 and 2.3</p>	<p>£75,000 financial penalty; direction to broadcast a statement of Ofcom’s findings</p>	<p>The programme included a clear statement during a religious sermon that religious obedience within the Islamic faith could be demonstrated through murder of Jewish people, which had the potential to be interpreted as spreading anti-Semitism and were a form of hate speech. The statements were also delivered by a person who held a position of authority and respect within the Muslim community (a religious scholar). Further, the religious scholar spoke uninterrupted and there were no views or statements in the programmes which challenged</p>

⁸⁷ [11 November 2016, Club TV Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0032/93866/Peace-TV-Urdu-Sanctions-Decision.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0032/93866/Peace-TV-Urdu-Sanctions-Decision.pdf)

⁸⁸ [20 December 2016, Mohiuddin Digital Television Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0022/96124/Noor-TV.pdf)

			<p>or otherwise softened the considerable level of potential offence. Ofcom found that the statements in question had the clear potential to cause harm as well as being offensive. Ofcom further found that the broadcast of anti-Semitic hate speech in pre-recorded content indicated a lack of sufficiently robust compliance procedures and a failure of compliance oversight. While the Licensee did not have a history of contraventions of the Code, Ofcom took into account that the previous holder of the Noor TV licence had twice been subject to statutory sanctions for serious breaches of the Code: i) in 2011, a financial penalty of £75,000 and a direction to broadcast a statement of Ofcom’s findings for breaches of Rules 2.1, 2.2, 4.6, 10.3 and 10.15 regarding a programme in which a presenter took calls from viewers who were asked to donate money to the Noor TV channel in return for prayer or the receipt of a “special gift” of earth from the tomb of Prophet Mohammed and ii) in 2012, a financial penalty of £85,000 and a direction to broadcast a statement of Ofcom’s findings for breaches of Rules 3.1 and 4.1 regarding a programme in which the presenter made various statements which made clear that it was acceptable or the duty of a Muslim to murder any person thought to have shown disrespect to the Prophet Muhammed.</p>
<p>6 July 2017, Ariana Television and Radio Network⁸⁹</p>	<p>Rules 2.3, 3.1 and 3.2</p>	<p>£200,000 financial penalty; direction to broadcast a statement of Ofcom’s findings</p>	<p>The relevant programme was a news item that featured a video of an individual⁹⁰ who made various statements describing in highly positive and graphic terms his and ISIL’s intentions to carry out acts of extreme violence against the German population. His last statement contained a direct call to action to members of the Muslim community to join ISIL and an indirect call to the Muslim community to commit violence, up to and including murder, against members of the police and the army in the West. Ofcom found these breaches to be particularly serious and the content had the clear potential to cause harm. Ofcom had regard to concerns about ISIL’s use of propaganda to radicalise and recruit citizens of the UK and elsewhere. The statements had the clear potential to influence impressionable viewers by encouraging serious crime, including murder, and/or leading to disorder in relation to members of the public, the police and the army.</p>

⁸⁹ [6 July 2017, Ariana Television and Radio Network](https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/ariana-sanction) (https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/ariana-sanction)

⁹⁰ This individual, Muhammad Riyad, went on to carry out an attack on a train in Germany where he injured five people.

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			The licensee broadcast a prolonged example of highly offensive hate speech in a news bulletin with no surrounding content that sought to challenge, soften or otherwise contextualise highly extreme views. Although the Licensee had not previously been found in breach of the Code, Ofcom considered the broadcast of this content indicated a failure of compliance oversight by the licensee, and a lack of sufficiently robust compliance procedures on the part of the licensee.
25 July 2017, Kanshi Radio ⁹¹	Rules 2.1, 2.3, 3.2 and 3.3	£17,500 financial penalty; direction to broadcast a statement of Ofcom's findings	A song was broadcast in Punjabi, which included lyrics that contained a number of aggressively pejorative references to the Muslim community and Muslim women in particular. Ofcom considered that the lyrics and surrounding content of the song constituted a violent and menacing message, from an extreme Sikh perspective, which promoted and justified hatred towards Muslims and Muslim women, thereby constituting hate speech. The song was broadcast in Punjabi and broadcast on a channel which targets the Asian Punjabi speaking community in the UK, and Ofcom considered that the content had the potential to increase tensions between the Sikh and Muslim communities. Ofcom found the content taken as a whole had the potential to cause harm and be extremely offensive to listeners. The song was broadcast on two occasions as part of pre-recorded content. Although this was the first time Kanshi Radio had been found in breach of the Code, Ofcom considered the broadcast indicated a failure on the part of the licensee to have sufficiently robust compliance procedures in place.
25 January 2018, Al Arabiya News ⁹²	Rules 7.1 and 8.1	£120,000 financial penalty; direction to broadcast a statement of Ofcom's findings; direction to not repeat the content	Footage was broadcast of an individual (Mr Mashaima) in a private room while detained in prison, in circumstances where the Bahrain Independent Commission Inquiry had recently published its findings that certain individuals, including Mr Mashaima, had made confessions to the Bahraini authorities under torture. Ofcom found Mr Mashaima had a legitimate expectation of privacy in the footage and that the degree of harm caused to him by the breach was very serious. Factors which contributed to the seriousness of the breaches were that the allegations made against Mr Mashaima were, at the time of filming, still subject to re-trial and

⁹¹ [25 July 2017, Kanshi Radio Ltd](https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0020/105167/kanshi-radio-sanction-decision.pdf)

⁹² [25 January 2018, Al Arabiya News Channel FZ-LLC](https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/decision-al-arabiya-news) (https://www.ofcom.org.uk/about-ofcom/latest/bulletins/broadcast-bulletins/content-sanctions-adjudications/decision-al-arabiya-news)

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			<p>appeal hearings; the licensee did not take any steps to obtain Mr Mashaima’s informed consent; given the high publicity of the case, the licensee was aware or ought to have been aware at the date of broadcast that the footage may not have accurately or fairly represented Mr Mashaima’s account of events; and despite being so aware, the licensee did not take any steps to verify the veracity of the footage with Mr Mashaima. Given the extremely sensitive circumstances, the licensee did not secure Mr Mashaima’s consent to film him nor did the public interest warrant the broadcast of this material. Although the Licensee had not previously been found in breach of the Code, Ofcom considered these breaches to be sufficiently serious to warrant the imposition of a sanction.</p>
<p>26 July 2019, ANO TV Novosti (RT)⁹³</p>	<p>Rules 5.1, 5.11 and 5.12</p>	<p>£200,000 financial penalty; direction to broadcast a statement of Ofcom’s findings</p>	<p>These cases related to seven news and current affairs programmes broadcast on RT in the wake of the poisoning of Sergei and Yulia Skripal on 4 March 2018. We found the programmes to be in breach of the Code’s due impartiality requirements.</p>

⁹³ [26 July 2019, ANO TV Novosti](https://www.ofcom.org.uk/__data/assets/pdf_file/0027/158571/sanction-decision-rt.pdf) (https://www.ofcom.org.uk/__data/assets/pdf_file/0027/158571/sanction-decision-rt.pdf)