

Ofcom Broadcast and On Demand Bulletin

Issue 455
25 July 2022

Country and Folk

Type of case	Broadcast Standards
Outcome	In Breach
Service	Rhondda Radio
Date & time	31 March 2022, 18:00
Category	Elections and Referendums
Summary	A community radio station broadcast a programme presented by a candidate in the Welsh local elections during the election period. In breach of Rule 6.6.

Introduction

Rhondda Radio is a community radio station broadcasting in South Wales. The licence for Rhondda Radio is held by Rhondda Radio Ltd (“Rhondda Radio” or “the Licensee”). The two-hour *Country and Folk* programme broadcasts every Thursday at 6pm.

Ofcom received a complaint from a listener who raised concerns that this radio station broadcast a programme during the election period that was presented by a candidate standing in the local elections for Rhondda Cynon Taf County Council in Wales.

The election period for the Welsh local elections on 5 May 2022 started on 28 March 2022. Therefore, as this particular programme was broadcast on 31 March 2022, it fell within the election period¹.

We considered this raised a potential issue under the following rule of the Code:

Rule 6.6: “Candidates in UK elections, and representatives of permitted participants in UK referendums, must not act as news presenters, interviewers or presenters of any type of programme during the election period”.

¹ On 7 March 2022, Ofcom published a [Note to Broadcasters](https://www.ofcom.org.uk/_data/assets/pdf_file/0025/233557/Note-to-Broadcasters-Election-programming.pdf) advising them when the election period would start and reminded them of their responsibilities to comply with the rules for election-related programming: (https://www.ofcom.org.uk/_data/assets/pdf_file/0025/233557/Note-to-Broadcasters-Election-programming.pdf).

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

Response

Rhondda Radio accepted that the presenter “should not have presented” the programme and “this was in breach of Rule 6.6”. It confirmed that the presenter: had submitted their nomination papers for standing in the local elections on 30 March 2022; and they had “unwittingly recorded three more shows” that were broadcast after 30 March 2022. The Licensee added that when they “realised the infringement on...12 April [2022], we immediately ceased broadcast of all [further] shows”.

Rhondda Radio said that it “is not political in any way” and that they “have long disallowed any programming at all that involves political debate”. It added that a recording of the programme in this case had been reviewed by its Board of Directors whose “unanimous opinion was that it did not contain any political references and [the presenter] did not indicate anything about the election or [their] candidacy”.

The Licensee said that all its volunteers had received an email during March outlining their responsibilities during the election period which included a link to Section Six of the Broadcasting Code and commented that “this breach was in no way intentional and was a result of an oversight for which we are profoundly sorry”.

Decision

Reflecting our duties under the Communications Act 2003, [Section Six of the Code](#) requires that special impartiality requirements and other legislation must be applied at the time of elections and referendums.

Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression set out in Article 10 of the European Convention on Human Rights when considering a broadcaster’s compliance with the Code.

Rule 6.6

This Rule prohibits candidates in UK elections from presenting any type of programme during an election period.

Section Six of the Code defines a “candidate” as follows:

“Candidate has the meaning given to it in section 93 of the Representation of the People Act 1983² (as amended”) and means a candidate standing nominated at the election or included in a list of candidates submitted in connection with it”.

Ofcom therefore considers a “candidate standing nominated at the election” refers to someone who has made an administrative commitment to becoming a candidate. This involves submitting to the relevant returning officer, within the period for delivery of the nominations, the formal nomination

² See Section 93 of [Representation of the People Act 1983](#).

paperwork (demonstrating that person's eligibility and consent to be nominated); and paying the necessary fee³.

While we acknowledge this programme was broadcast before the list of candidates was published⁴, we took into account the presenter had made an administrative commitment to becoming a candidate by submitting their nomination papers on 30 March 2022. We therefore considered the presenter met the criteria for being a candidate "standing nominated" in the forthcoming Welsh local elections that subsequently took place on 6 May 2022 before acting as a programme presenter.

We noted the Licensee's assurances that this was not a political programme, and that the presenter did not mention the local elections. However, Ofcom's [Guidance to Section Six](#)⁵ makes it clear that Rule 6.6 is concerned not just with preventing electoral issues from being reported in a partial manner. The rule is designed to help secure the integrity of the democratic process, and the public's trust in that integrity, by preventing any unfair electoral advantage being afforded to a particular candidate through their appearance on a licensed service. Rule 6.6 therefore applies to all genres of programme and the fact that this programme did not feature political commentary was not material in this case.

We noted the Licensee immediately acknowledged this programme should not have been broadcast, however, we considered this presented a clear contravention of election rules.

Ofcom's Decision is therefore that the content was in breach of Rule 6.6.

Breach of Rule 6.6

³ On 11 January 2021, Ofcom published a [Note to Broadcasters](#) providing, among other things, information on the how a candidate is defined under the Code: (https://www.ofcom.org.uk/data/assets/pdf_file/0020/210827/Note-to-broadcasters-Election-programming-May-2021-elections.pdf).

⁴ See: [Local elections in Wales](#), The Electoral Commission. (<https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-wales>).

⁵ See Paragraph 1.32.